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Am. Sub. S. B. No. 89

Senator Huffman, M.

Cosponsors: Senators Brenner, Rulli, Huffman, S., Coley, Manning, Antonio, Blessing, Burke, Craig, Dolan, Eklund, Fedor, Gavarone, Hackett, Hoagland, Hottinger, Johnson, Kunze, Maharath, McColley, Obhof, O'Brien, Peterson, Roegner, Schuring, Sykes, Thomas, Williams, Wilson Representatives Abrams, Blair, Carfagna, Carruthers, Clites, Cross, DeVitis, Edwards, Fraizer, Ghanbari, Grendell, Hambley, Hillyer, Holmes, A., Jones, Koehler, LaRe, Lepore-Hagan, Lightbody, Manning, D., Manning, G., Miller, J., O'Brien, Oelslager, Patterson, Patton, Perales, Richardson, Robinson, Roemer, Rogers, Scherer, Seitz, Sheehy, Smith, K., Sobecki, Stein, Stoltzfus, Swearingen

A BILL

To amend sections 3302.036, 3302.17, 3310.01, 1
3310.03, 3310.031, 3310.032, 3310.08, 3310.16, 2
3313.14, 3313.25, 3313.482, 3313.82, 3313.903, 3
3314.011, 3314.03, 3314.19, 3317.60, 3319.112, 4
3319.226, 3319.301, 3326.032, 3326.17, 5709.62, 5
5709.63, 5709.632, 5709.82, and 5709.83; to 6
enact new sections 3302.101 and 3302.102 and 7
sections 3301.0730, 3301.28, 3301.29, 3317.037, 8
3319.2211, and 6301.23; and to repeal sections 9
3302.042, 3302.101, 3302.102, 3302.12, 3310.035, 10
3310.05, and 3311.242 of the Revised Code, to 11
amend Sections 265.10, as subsequently amended, 12
and 265.260 of H.B. 166 of the 133rd General 13
Assembly, and to repeal Section 265.520 of H.B. 14
166 of the 133rd General Assembly with regard to 15
career-technical education and the compensation 16
of joint vocational school districts located in 17

enterprise zones, to make changes regarding STEM 18
school report cards, to prohibit the use of 19
value-added data for evaluations of career- 20
technical educators, to revise the law on 21
community school fiscal officer liability, to 22
make changes regarding school financing studies 23
by the Department of Education, to revise the 24
eligibility and operation of the Educational 25
Choice Scholarship program, to dissolve existing 26
academic distress commissions, to place a 27
moratorium on the creation of academic distress 28
commissions, to establish the School 29
Transformation Board, to rename the income-based 30
expansion of the Educational Choice Scholarship 31
program as the Buckeye Opportunity Scholarship 32
program, and to declare an emergency. 33

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3302.036, 3302.17, 3310.01, 34
3310.03, 3310.031, 3310.032, 3310.08, 3310.16, 3313.14, 3313.25, 35
3313.482, 3313.82, 3313.903, 3314.011, 3314.03, 3314.19, 36
3317.60, 3319.112, 3319.226, 3319.301, 3326.032, 3326.17, 37
5709.62, 5709.63, 5709.632, 5709.82, and 5709.83 be amended and 38
new sections 3302.101 and 3302.102 and sections 3301.0730, 39
3301.28, 3301.29, 3317.037, 3319.2211, and 6301.23 of the 40
Revised Code be enacted to read as follows: 41

Sec. 3301.0730. (A) As used in this section: 42

(1) "Education management information system" means the 43

integrated system of statewide data collecting, reporting, and 44
compiling for school districts and schools prescribed under 45
section 3301.0714 of the Revised Code. 46

(2) "EMIS guidelines" means any guidance issued by the 47
department of education containing the student, staff, and 48
financial information to be collected and reported, along with 49
data-element definitions, procedures, and guidelines necessary 50
to implement the education management information system. 51

(B) Not later than June 1, 2020, the department shall 52
develop a procedure that permits users of the education 53
management information system to review and provide comment on 54
new or updated EMIS guidelines. The procedure shall satisfy all 55
of the following conditions: 56

(1) The department shall post a copy of the proposed new 57
or updated EMIS guidelines on the department's web site. The 58
department shall solicit comment from EMIS users on the proposed 59
guidelines for thirty consecutive days. 60

(2) The department shall respond to comments provided by 61
users and may revise the proposed new or updated EMIS guidelines 62
based on comments provided by users within thirty consecutive 63
days after the comment period closes. 64

(3) The department shall post the final new or updated 65
EMIS guidelines on its web site at the end of the response 66
period for thirty consecutive days for a final review by EMIS 67
users. The new or updated guidelines shall take effect after 68
that period ends. 69

(C) Except as provided in division (D) of this section, if 70
the department develops new or updated EMIS guidelines to 71
implement a program, initiative, or policy, the department shall 72

use the procedures prescribed under division (B) of this 73
section. For any such new or updated guidelines proposed to be 74
effective for the 2021-2022 school year, the department shall 75
initiate the procedures not later than May 15, 2021. For any 76
such new or updated guidelines proposed to be effective for a 77
subsequent school year, the department shall initiate the 78
procedures not later than the fifteenth day of May immediately 79
prior to the beginning of that school year. 80

(D) On and after June 1, 2020, the department shall use 81
the procedure prescribed under division (B) of this section for 82
any new or updated EMIS guidelines developed by the department 83
for the purposes of implementing any of the following: 84

(1) A newly enacted state or federal law; 85

(2) A new or updated federal rule; 86

(3) A rule or resolution adopted by the state board of 87
education. 88

(E) The department shall not be required to use the 89
procedure prescribed under division (B) of this section when 90
issuing any of the following: 91

(1) Updated EMIS guidelines to address issues that are not 92
substantive, such as correcting grammatical errors; 93

(2) Updated EMIS guidelines to address unforeseen 94
technical errors; 95

(3) Supplemental documents regarding EMIS guidelines and 96
the education management information system, including documents 97
that do any of the following: 98

(a) Clarify the implementation of EMIS guidelines; 99

<u>(b) Answer questions submitted by users of the education management system;</u>	100
	101
<u>(c) Provide training regarding the education management information system.</u>	102
	103
<u>(F) Additionally, the department shall establish both of the following:</u>	104
	105
<u>(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;</u>	106
	107
	108
	109
	110
<u>(2) Uniform training programs for all personnel employed by the department to administer the education management information system.</u>	111
	112
	113
<u>Sec. 3301.28. (A) (1) The school transformation board is hereby created. The board shall be responsible for actions related to school district academic performance improvement.</u>	114
	115
	116
<u>(2) The board shall consist of the following members:</u>	117
<u>(a) The superintendent of public instruction or the superintendent's immediate subordinate as the superintendent's designee;</u>	118
	119
	120
<u>(b) The chancellor of higher education or the chancellor's immediate subordinate as the chancellor's designee;</u>	121
	122
<u>(c) One member from the house of representatives appointed by the speaker of the house;</u>	123
	124
<u>(d) One member from the house of representatives appointed by the house minority leader;</u>	125
	126

<u>(e) One member from the senate appointed by the senate</u>	127
<u>president;</u>	128
<u>(f) One member from the senate appointed by the senate</u>	129
<u>minority leader;</u>	130
<u>(g) Three individuals with experience and expertise in</u>	131
<u>education policy or school improvement, appointed by the</u>	132
<u>governor, with the advice and consent of the senate. One of the</u>	133
<u>appointees shall not be from the same political party as the</u>	134
<u>appointing governor, and at least one of the appointees shall</u>	135
<u>have at least ten years of teaching experience. Each member</u>	136
<u>appointed under division (A) (2) (g) of this section shall serve</u>	137
<u>for a term of three years and may be reappointed for additional</u>	138
<u>terms.</u>	139
<u>All initial appointments to the board shall be completed</u>	140
<u>not later than ninety days after the effective date of this</u>	141
<u>section.</u>	142
<u>(3) The board shall designate one of its members to serve</u>	143
<u>as chair.</u>	144
<u>(4) The board may hire an executive director and any</u>	145
<u>necessary staff to assist with the execution of the board's</u>	146
<u>duties.</u>	147
<u>The board shall become operational after one of the</u>	148
<u>members has been appointed under division (A) (2) (g) of this</u>	149
<u>section.</u>	150
<u>(B) A majority vote of all of the members of the school</u>	151
<u>transformation board shall be required for the school</u>	152
<u>transformation board to take action.</u>	153
<u>(C) Each board member appointed under division (A) (2) (g)</u>	154

of this section shall file the statement described in section 155
102.02 of the Revised Code with the Ohio ethics commission. The 156
statement shall be confidential, subject to review, as described 157
in division (B) of that section. 158

(D) The school transformation board is a body politic and 159
shall be subject to sections 121.22, 149.43, 2921.42, and 160
2921.43 and Chapter 102. of the Revised Code. 161

Sec. 3301.29. (A) (1) The department of education, in 162
collaboration with the school transformation board, shall review 163
the current state-level school improvement process for Ohio 164
schools and the budgetary requirements supporting that process 165
and make recommendations to the state board of education to 166
improve that process not later than December 31, 2020. 167

(2) The state board shall review the department's 168
recommendations and suggest any changes to them. The state board 169
shall then approve and include those recommendations in the 170
state-level school improvement process. 171

(3) The department annually shall provide progress reports 172
on the state-level improvement process to the state 173
transformation board by the thirty-first day of October. The 174
board may recommend additional changes to the process to the 175
state board of education for consideration. 176

(B) The department, the school transformation board, and 177
the state board of education shall ensure that each entity's 178
improvement efforts identify best practices to build improvement 179
capacity and are aligned with the state-level improvement 180
process and the "Elementary and Secondary Education Act of 181
1965," 20 U.S.C. 6311 to 6339. 182

Sec. 3302.036. (A) Notwithstanding anything in the Revised 183

Code to the contrary, the department of education shall not 184
assign an overall letter grade under division (C) (3) of section 185
3302.03 of the Revised Code for any school district or building 186
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 187
the discretion of the state board of education, not assign an 188
individual grade to any component prescribed under division (C) 189
(3) of section 3302.03 of the Revised Code, and shall not rank 190
school districts, community schools established under Chapter 191
3314. of the Revised Code, or STEM schools established under 192
Chapter 3326. of the Revised Code under section 3302.21 of the 193
Revised Code for those school years. The report card ratings 194
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 195
shall not be considered in determining whether a school district 196
or a school is subject to sanctions or penalties. However, the 197
report card ratings of any previous or subsequent years shall be 198
considered in determining whether a school district or building 199
is subject to sanctions or penalties. Accordingly, the report 200
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 201
years shall have no effect in determining sanctions or 202
penalties, but shall not create a new starting point for 203
determinations that are based on ratings over multiple years. 204

(B) The provisions from which a district or school is 205
exempt under division (A) of this section shall be the 206
following: 207

(1) Any restructuring provisions established under this 208
chapter, except as required under the "No Child Left Behind Act 209
of 2001"; 210

~~(2) Provisions for the Columbus city school pilot project 211
under section 3302.042 of the Revised Code; 212~~

~~(3) Provisions for academic distress commissions under 213~~

former section 3302.10 of the Revised Code as it existed prior 214
to the effective date of this amendment October 15, 2015. The 215
provisions of this section do not apply to academic distress 216
commissions under the version of that section as it exists on or 217
after the effective date of this amendment October 15, 2015. 218

~~(4)~~ (3) Provisions prescribing new buildings where 219
students are eligible for the educational choice scholarships 220
under section 3310.03 of the Revised Code; 221

~~(5)~~ (4) Provisions defining "challenged school districts" 222
in which new start-up community schools may be located, as 223
prescribed in section 3314.02 of the Revised Code; 224

~~(6)~~ (5) Provisions prescribing community school closure 225
requirements under section 3314.35 or 3314.351 of the Revised 226
Code. 227

(C) Notwithstanding anything in the Revised Code to the 228
contrary and except as provided in Section 3 of H.B. 7 of the 229
131st general assembly, no school district, community school, or 230
STEM school shall utilize at any time during a student's 231
academic career a student's score on any assessment administered 232
under division (A) of section 3301.0710 or division (B) (2) of 233
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 234
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 235
to promote or to deny the student promotion to a higher grade 236
level or in any decision to grant course credit. No individual 237
student score reports on such assessments administered in the 238
2014-2015, 2015-2016, or 2016-2017 school years shall be 239
released, except to a student's school district or school or to 240
the student or the student's parent or guardian. 241

Sec. 3302.101. (A) Notwithstanding anything in the Revised 242

Code to the contrary, the superintendent of public instruction 243
shall not establish any new academic distress commissions, 244
beginning on the effective date of former section 265.520 of 245
H.B. 166 of the 133rd general assembly through December 31, 246
2023. 247

(B) Beginning January 1, 2024, the state superintendent 248
shall resume establishing academic distress commissions for 249
districts that meet the condition prescribed in division (A) (1) 250
of section 3302.10 of the Revised Code. 251

Sec. 3302.102. (A) Beginning on the effective date of this 252
section, an academic distress commission established under 253
section 3302.10 of the Revised Code on or before the effective 254
date of this section shall begin to transition operational, 255
managerial, and instructional control from the academic distress 256
commission and the chief executive officer appointed by the 257
commission back to the district board of education. During the 258
transition period, the chief executive officer shall work 259
closely with the district board and the district superintendent 260
to increase their ability to resume control of the district and 261
sustain the district's academic improvement over time. 262

(B) During the transition period, the district shall 263
continue to operate under the academic distress commission as 264
prescribed in section 3302.10 of the Revised Code until June 30, 265
2020. On that date, the chief executive officer shall relinquish 266
all operational, managerial, and instructional control of the 267
district to the district board and district superintendent, and 268
the academic distress commission shall cease to exist. 269

(C) The department of education shall pay the remainder of 270
each chief executive officer's contract upon dissolution of the 271
academic distress commission as specified in division (B) of 272

this section. 273

(D) (1) The board of education of a school district for 274
which an academic distress commission had been established may 275
employ as the district superintendent, under section 3319.01 of 276
the Revised Code, the individual who previously served as chief 277
executive officer for the district under division (C) of section 278
3302.10 of the Revised Code. However, notwithstanding anything 279
in the Revised Code or Administrative Code to the contrary, such 280
an individual so employed as the district superintendent need 281
not hold an educator license issued by the state board of 282
education. 283

(2) If a district board of education enters into a 284
contract with the district's former chief executive officer to 285
become the district superintendent, the district board may 286
request that the department of education reimburse the 287
difference between the cost of the former chief executive 288
officer's contract and the contract offered by the district 289
board for the position of district superintendent. 290

Sec. 3302.103. The school transformation board established 291
under section 3301.28 of the Revised Code shall prepare a report 292
regarding the board's recommendations on replacing academic 293
distress commissions under section 3302.10 of the Revised Code, 294
and its recommendations on improving principal and teacher 295
preparation programs. 296

The board shall submit the report to the general assembly, 297
in accordance with section 101.68 of the Revised Code, not later 298
than January 30, 2022. 299

Sec. 3302.17. (A) Any school building operated by a city, 300
exempted village, or local school district, or a community 301

school established under Chapter 3314. of the Revised Code is 302
eligible to initiate the community learning center process as 303
prescribed by this section. 304

(B) Beginning with the 2015-2016 school year, each 305
district board of education or community school governing 306
authority may initiate a community learning center process for 307
any school building to which this section applies. 308

First, the board or governing authority shall conduct a 309
public information hearing at each school building to which this 310
section applies to inform the community of the community 311
learning center process. The board or governing authority may do 312
all of the following with regard to the public information 313
hearing: 314

(1) Announce the meeting not less than forty-five days in 315
advance at the school and on the school's or district's web 316
sites and using tools to ensure effective communication with 317
individuals with disabilities; 318

(2) Schedule the meeting for an evening or weekend time; 319

(3) Provide interpretation services and written materials 320
in all languages spoken by five per cent or more of the students 321
enrolled in the school; 322

(4) Provide child care services for parents attending the 323
meeting; 324

(5) Provide parents, students, teachers, nonteaching 325
employees, and community members with the opportunity to speak 326
at the meeting; 327

(6) Comply with section 149.43 of the Revised Code. 328

In preparing for the public information hearing, the board 329

or governing authority shall ensure that information about the 330
hearing is broadly distributed throughout the community. 331

The board or governing authority may enter into an 332
agreement with any civic engagement organizations, community 333
organizations, or employee organizations to support the 334
implementation of the community learning center process. 335

The board or governing authority shall conduct a follow-up 336
hearing at least once annually until action is further taken 337
under the section with respect to the school building or until 338
the conditions described in division (A) of this section no 339
longer apply to the school building. 340

(C) Not sooner than forty-five days after the first public 341
information hearing, the board or governing authority shall 342
conduct an election, by paper ballot, to initiate the process to 343
become a community learning center. Only parents or guardians of 344
students enrolled in the school and students enrolled in a 345
different school operated by a joint vocational school district 346
but are otherwise entitled to attend the school, and teachers 347
and nonteaching employees who are assigned to the school may 348
vote in the election. 349

The board or governing authority shall distribute the 350
ballots by mail and shall make copies available at the school 351
and on the web site of the school. The board or governing 352
authority also may distribute the ballots by directly giving 353
ballots to teachers and nonteaching employees and sending home 354
ballots with every student enrolled in the school building. 355

(D) The board or governing authority shall initiate the 356
transition of the building to a community learning center if the 357
results of the election held under division (C) of this section 358

are as follows: 359

(1) At least fifty per cent of parents and guardians of 360
students enrolled in the eligible school building and students 361
enrolled in a different building operated by a joint vocational 362
school district but who are entitled to attend the school cast 363
ballots by a date set by the board or governing authority, and 364
of those ballots at least sixty-seven per cent are in favor of 365
initiating the process; and 366

(2) At least fifty per cent of teachers and nonteaching 367
employees who are assigned to the school cast ballots by a date 368
set by the board or governing authority, and of those ballots at 369
least sixty-seven per cent are in favor of initiating the 370
process. 371

(E) If a community learning center process is initiated 372
under this section, the board or governing authority shall 373
create a school action team under section 3302.18 of the Revised 374
Code. Within four months upon selection, the school action team 375
shall conduct and complete, in consultation with community 376
partners, a performance audit of the school and review, with 377
parental input, the needs of the school with regard to 378
restructuring under section 3302.10, ~~3302.12, or 3302.042~~ of the 379
Revised Code, or federal law. 380

The school action team shall provide quarterly updates of 381
its work in a public hearing that complies with the same 382
specifications prescribed in division (B) of this section. 383

(F) Upon completion of the audit and review, the school 384
action team shall present its findings at a public hearing that 385
complies with the same specifications prescribed in division (B) 386
of this section. After the school action team presents its 387

findings at the public hearing, it shall create a community 388
learning center improvement plan that designates appropriate 389
interventions, which may be based on the recommendations 390
developed by the department under division (H) (1) (b) of this 391
section. 392

If there is a federally mandated school improvement 393
planning process, the team shall coordinate its work with that 394
plan. 395

The school action team shall approve the plan by a 396
majority vote. 397

(G) Upon approval of the plan by the school action team, 398
the team shall submit the community learning center improvement 399
plan to the same individuals described in division (C) of this 400
section. Ballots shall be distributed and an election shall be 401
conducted in the same manner as indicated under that division. 402

The school action team shall submit the plan to the 403
district board of education or community school governing 404
authority, if the results of the election under division (G) of 405
this section are as follows: 406

(1) At least thirty per cent of parents and guardians of 407
students enrolled in the eligible school building and students 408
enrolled in a different building operated by a joint vocational 409
school district but who are entitled to attend the school cast 410
ballots by a date set by the board or governing authority, and 411
of those ballots at least fifty per cent are in favor of 412
initiating the process; and 413

(2) At least thirty per cent of teachers and nonteaching 414
employees who are assigned to the school cast ballots by a date 415
set by the board or governing authority, and of those ballots at 416

least fifty per cent are in favor of initiating the process. 417

The board or governing authority shall evaluate the plan 418
and determine whether to adopt it. The board or governing 419
authority shall adopt the plan in full or adopt portions of the 420
plan. If the board or governing authority does not adopt the 421
plan in full, it shall provide a written explanation of why 422
portions of the plan were rejected. 423

(H) (1) The department shall do all of the following with 424
respect to this section: 425

(a) Adopt rules regarding the elections required under 426
this section; 427

(b) Develop appropriate interventions for a community 428
learning center improvement plan that may be used by a school 429
action team under division (F) of this section; 430

(c) Publish a menu of programs and services that may be 431
offered by community learning centers. The information shall be 432
posted on the department's web site. To compile this information 433
the department shall solicit input from resource coordinators of 434
existing community learning centers~~+~~. 435

(d) Provide information regarding implementation of 436
comprehensive community-based programs and supportive services 437
including the community learning center model to school 438
buildings meeting any of the following conditions: 439

(i) The building is in improvement status as defined by 440
the "No Child Left Behind Act of 2001" or under an agreement 441
between the Ohio department of education and the United States 442
secretary of education. 443

(ii) The building is a secondary school that is among the 444

lowest achieving fifteen per cent of secondary schools	445
statewide, as determined by the department.	446
(iii) The building is a secondary school with a graduation	447
rate of sixty per cent or lower for three or more consecutive	448
years.	449
(iv) The building is a school that the department	450
determines is persistently low-performing.	451
(2) The department may do the following with respect to	452
this section:	453
(a) Provide assistance, facilitation, and training to	454
school action teams in the conducting of the audit required	455
under this section;	456
(b) Provide opportunities for members of school action	457
teams from different schools to share school improvement	458
strategies with parents, teachers, and other relevant	459
stakeholders in higher performing schools;	460
(c) Provide financial support in a school action team's	461
planning process and create a grant program to assist in the	462
implementation of a qualified community learning center plan.	463
(I) Notwithstanding any provision to the contrary in	464
Chapter 4117. of the Revised Code, the requirements of this	465
section prevail over any conflicting provisions of a collective	466
bargaining agreement entered into on or after the effective date	467
of this section <u>October 15, 2015</u> . However, the board or	468
governing authority and the teachers' labor organization may	469
negotiate additional factors to be considered in the adoption of	470
a community learning center plan.	471
Sec. 3310.01. As used in sections 3310.01 to 3310.17 of	472

the Revised Code: 473

(A) "Chartered nonpublic school" means a nonpublic school 474
that holds a valid charter issued by the state board of 475
education under section 3301.16 of the Revised Code and meets 476
the standards established for such schools in rules adopted by 477
the state board. 478

(B) An "eligible student" is a student who satisfies the 479
conditions specified in section 3310.03 or 3310.032 of the 480
Revised Code. 481

(C) "Parent" has the same meaning as in section 3313.98 of 482
the Revised Code. 483

(D) "Resident district" means the school district in which 484
a student is entitled to attend school under section 3313.64 or 485
3313.65 of the Revised Code. 486

(E) "School year" has the same meaning as in section 487
3313.62 of the Revised Code. 488

(F) "Sibling" means a brother, half-brother, sister, or 489
half-sister, by birth, adoption, or marriage, without regard to 490
residence or custodial status, or a child residing in the same 491
household as a foster child or under a guardianship or custodial 492
order. As used in division (F) of this section, "foster child" 493
means a child placed in a family foster home, as defined in 494
section 5103.02 of the Revised Code. 495

Sec. 3310.03. Notwithstanding anything to the contrary in 496
divisions (A) to (I) of this section, and except as provided in 497
Section 265.210 of H.B. 166 of the 133rd general assembly, as 498
subsequently amended, or in division (J) of this section, the 499
department of education shall not award any first-time 500
educational choice scholarship under this section for the 2020- 501

2021 school year and any school year thereafter. The department 502
shall award first-time educational choice scholarships under 503
division (J) of this section for the 2020-2021 school year and 504
any school year thereafter, and any student who receives a 505
scholarship under that division shall continue to receive that 506
scholarship until the student completes grade twelve, as long as 507
the student meets the criteria prescribed by division (F) of 508
this section, or until the student is subject to division (K) of 509
this section. 510

Additionally, any student who received a scholarship under 511
this section for the 2019-2020 school year shall continue to 512
receive that scholarship until the student completes grade 513
twelve, as long as the student meets the criteria prescribed by 514
division (F) of this section, or until the student is subject to 515
division (K) of this section. 516

A student is an "eligible student" for purposes of the 517
educational choice scholarship pilot program if the student's 518
resident district is not a school district in which the pilot 519
project scholarship program is operating under sections 3313.974 520
to 3313.979 of the Revised Code and the student satisfies one of 521
the conditions in division (A), (B), (C), (D), or (E) of this 522
section: 523

(A) (1) The student is enrolled in a school building 524
operated by the student's resident district that, on the report 525
card issued under section 3302.03 of the Revised Code published 526
prior to the first day of July of the school year for which a 527
scholarship is sought, did not receive a rating as described in 528
division (I) of this section, and to which any or a combination 529
of any of the following apply for two of the three most recent 530
report cards published prior to the first day of July of the 531

school year for which a scholarship is sought: 532

(a) The building was declared to be in a state of academic 533
emergency or academic watch under section 3302.03 of the Revised 534
Code as that section existed prior to March 22, 2013. 535

(b) The building received a grade of "D" or "F" for the 536
performance index score under division (A) (1) (b) or (B) (1) (b) of 537
section 3302.03 of the Revised Code and for the value-added 538
progress dimension under division (A) (1) (e) or (B) (1) (e) of 539
section 3302.03 of the Revised Code for the 2012-2013, 2013- 540
2014, 2014-2015, or 2015-2016 school year; or if the building 541
serves only grades ten through twelve, the building received a 542
grade of "D" or "F" for the performance index score under 543
division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the 544
Revised Code and had a four-year adjusted cohort graduation rate 545
of less than seventy-five per cent. 546

(c) The building received an overall grade of "D" or "F" 547
under division (C) (3) of section 3302.03 of the Revised Code or 548
a grade of "F" for the value-added progress dimension under 549
division (C) (1) (e) of section 3302.03 of the Revised Code for 550
the 2016-2017 school year or any school year thereafter. 551

(2) The student will be enrolling in any of grades 552
kindergarten through twelve in this state for the first time in 553
the school year for which a scholarship is sought, will be at 554
least five years of age by the first day of January of the 555
school year for which a scholarship is sought, and otherwise 556
would be assigned under section 3319.01 of the Revised Code in 557
the school year for which a scholarship is sought, to a school 558
building described in division (A) (1) of this section. 559

(3) The student is enrolled in a community school 560

established under Chapter 3314. of the Revised Code but 561
otherwise would be assigned under section 3319.01 of the Revised 562
Code to a building described in division (A)(1) of this section. 563

(4) The student is enrolled in a school building operated 564
by the student's resident district or in a community school 565
established under Chapter 3314. of the Revised Code and 566
otherwise would be assigned under section 3319.01 of the Revised 567
Code to a school building described in division (A)(1) of this 568
section in the school year for which the scholarship is sought. 569

(5) The student will be both enrolling in any of grades 570
kindergarten through twelve in this state for the first time and 571
at least five years of age by the first day of January of the 572
school year for which a scholarship is sought, or is enrolled in 573
a community school established under Chapter 3314. of the 574
Revised Code, and all of the following apply to the student's 575
resident district: 576

(a) The district has in force an intradistrict open 577
enrollment policy under which no student in the student's grade 578
level is automatically assigned to a particular school building; 579

(b) In the most recent rating published prior to the first 580
day of July of the school year for which scholarship is sought, 581
the district did not receive a rating described in division (I) 582
of this section, and in at least two of the three most recent 583
report cards published prior to the first day of July of that 584
school year, any or a combination of the following apply to the 585
district: 586

(i) The district was declared to be in a state of academic 587
emergency under section 3302.03 of the Revised Code as it 588
existed prior to March 22, 2013. 589

(ii) The district received a grade of "D" or "F" for the performance index score under division (A) (1) (b) or (B) (1) (b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A) (1) (e) or (B) (1) (e) of section 3302.03 of the Revised Code for the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 school year.

~~(e)-(iii)~~ The district received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code or a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code for the 2016-2017 school year or any school year thereafter.

(6) Beginning in the 2019-2020 school year, the student meets both of the following conditions:

(a) The student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year.

(b) The student would be assigned to a building in the school year for which the scholarship is sought that either:

(i) Serves any of grades nine through twelve and that received a grade of "D" or "F" for the four-year adjusted cohort graduation rate under division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of section 3302.03 of the Revised Code in two of the three most recent report cards published prior to the first day of July of the school year for which a scholarship is sought;

(ii) Is a building described in division (A) (1) of this section.

Any student who was awarded a scholarship under division (A) (6) of this section as it existed prior to the effective date

of this amendment may continue to receive scholarships in 619
subsequent school years until the student completes grade 620
twelve, as long as the student meets the criteria prescribed by 621
division (F) of this section. 622

(B) (1) The student is enrolled in a school building 623
operated by the student's resident district and to which both of 624
the following apply: 625

(a) The building was ranked, for at least two of the three 626
most recent rankings prior to the first day of July of the 627
school year for which a scholarship is sought, in the lowest ten 628
per cent of all buildings operated by city, local, and exempted 629
village school districts according to performance index score as 630
determined by the department of education. 631

(b) The building was not declared to be excellent or 632
effective, or the equivalent of such ratings as determined by 633
the department, under section 3302.03 of the Revised Code in the 634
most recent rating published prior to the first day of July of 635
the school year for which a scholarship is sought. 636

(2) The student will be enrolling in any of grades 637
kindergarten through twelve in this state for the first time in 638
the school year for which a scholarship is sought, will be at 639
least five years of age, as defined in section 3321.01 of the 640
Revised Code, by the first day of January of the school year for 641
which a scholarship is sought, and otherwise would be assigned 642
under section 3319.01 of the Revised Code in the school year for 643
which a scholarship is sought, to a school building described in 644
division (B) (1) of this section. 645

(3) The student is enrolled in a community school 646
established under Chapter 3314. of the Revised Code but 647

otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B) (1) of this section.

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B) (1) of this section in the school year for which the scholarship is sought.

(C) The student is enrolled in a nonpublic school at the time the school is granted a charter by the state board of education under section 3301.16 of the Revised Code and the student meets the standards of division (B) of section 3310.031 of the Revised Code.

(D) For the 2016-2017 school year and each school year thereafter, the student is in any of grades kindergarten through three, is enrolled in a school building that is operated by the student's resident district or will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, and to which both of the following apply:

(1) The building, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, received a grade of "D" or "F" for making progress in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code;

(2) The building did not receive a grade of "A" for making progress in improving literacy in grades kindergarten through three under division (B) (1) (g) or (C) (1) (g) of section 3302.03

of the Revised Code in the most recent rating published prior to 677
the first day of July of the school year for which a scholarship 678
is sought. 679

(E) The student's resident district is subject to section 680
3302.10 of the Revised Code and the student either: 681

(1) Is enrolled in a school building operated by the 682
resident district or in a community school established under 683
Chapter 3314. of the Revised Code; 684

(2) Will be both enrolling in any of grades kindergarten 685
through twelve in this state for the first time and at least 686
five years of age by the first day of January of the school year 687
for which a scholarship is sought. 688

(F) A student who receives a scholarship under the 689
educational choice scholarship pilot program remains an eligible 690
student and may continue to receive scholarships in subsequent 691
school years until the student completes grade twelve, so long 692
as all of the following apply: 693

(1) The student's resident district remains the same, or 694
the student transfers to a new resident district and otherwise 695
would be assigned in the new resident district to a school 696
building described in division (A)(1), (B)(1), (D), or (E) of 697
this section. 698

(2) Except as provided in divisions (K)(1) and (L) of 699
section 3301.0711 of the Revised Code, the student takes each 700
assessment prescribed for the student's grade level under 701
section 3301.0710 or 3301.0712 of the Revised Code while 702
enrolled in a chartered nonpublic school. 703

(3) In each school year that the student is enrolled in a 704
chartered nonpublic school, the student is absent from school 705

for not more than twenty days that the school is open for 706
instruction, not including excused absences. 707

(G) (1) The department shall cease awarding first-time 708
scholarships pursuant to divisions (A) (1) to (4) of this section 709
with respect to a school building that, in the most recent 710
ratings of school buildings published under section 3302.03 of 711
the Revised Code prior to the first day of July of the school 712
year, ceases to meet the criteria in division (A) (1) of this 713
section. The department shall cease awarding first-time 714
scholarships pursuant to division (A) (5) of this section with 715
respect to a school district that, in the most recent ratings of 716
school districts published under section 3302.03 of the Revised 717
Code prior to the first day of July of the school year, ceases 718
to meet the criteria in division (A) (5) of this section. 719

(2) The department shall cease awarding first-time 720
scholarships pursuant to divisions (B) (1) to (4) of this section 721
with respect to a school building that, in the most recent 722
ratings of school buildings under section 3302.03 of the Revised 723
Code prior to the first day of July of the school year, ceases 724
to meet the criteria in division (B) (1) of this section. 725

(3) The department shall cease awarding first-time 726
scholarships pursuant to division (D) of this section with 727
respect to a school building that, in the most recent ratings of 728
school buildings under section 3302.03 of the Revised Code prior 729
to the first day of July of the school year, ceases to meet the 730
criteria in division (D) of this section. 731

(4) The department shall cease awarding first-time 732
scholarships pursuant to division (E) of this section with 733
respect to a school district subject to section 3302.10 of the 734
Revised Code when the academic distress commission established 735

for the district ceases to exist. 736

(5) However, students who have received scholarships in 737
the prior school year remain eligible students pursuant to 738
division (F) of this section. 739

(H) The state board of education shall adopt rules 740
defining excused absences for purposes of division (F) (3) of 741
this section. 742

(I) (1) A student who satisfies only the conditions 743
prescribed in divisions (A) (1) to (4) of this section shall not 744
be eligible for a scholarship if the student's resident building 745
meets any of the following in the most recent rating under 746
section 3302.03 of the Revised Code published prior to the first 747
day of July of the school year for which a scholarship is 748
sought: 749

(a) The building has an overall designation of excellent 750
or effective under section 3302.03 of the Revised Code as it 751
existed prior to March 22, 2013. 752

(b) For the 2012-2013, 2013-2014, 2014-2015, or 2015-2016 753
school year, the building has a grade of "A" or "B" for the 754
performance index score under division (A) (1) (b) or (B) (1) (b) of 755
section 3302.03 of the Revised Code and for the value-added 756
progress dimension under division (A) (1) (e) or (B) (1) (e) of 757
section 3302.03 of the Revised Code; or if the building serves 758
only grades ten through twelve, the building received a grade of 759
"A" or "B" for the performance index score under division (A) (1) 760
(b) or (B) (1) (b) of section 3302.03 of the Revised Code and had 761
a four-year adjusted cohort graduation rate of greater than or 762
equal to seventy-five per cent. 763

(c) For the 2016-2017 school year or any school year 764

thereafter, the building has a grade of "A" or "B" under 765
division (C) (3) of section 3302.03 of the Revised Code and a 766
grade of "A" for the value-added progress dimension under 767
division (C) (1) (e) of section 3302.03 of the Revised Code; or if 768
the building serves only grades ten through twelve, the building 769
received a grade of "A" or "B" for the performance index score 770
under division (C) (1) (b) of section 3302.03 of the Revised Code 771
and had a four-year adjusted cohort graduation rate of greater 772
than or equal to seventy-five per cent. 773

(2) A student who satisfies only the conditions prescribed 774
in division (A) (5) of this section shall not be eligible for a 775
scholarship if the student's resident district meets any of the 776
following in the most recent rating under section 3302.03 of the 777
Revised Code published prior to the first day of July of the 778
school year for which a scholarship is sought: 779

(a) The district has an overall designation of excellent 780
or effective under section 3302.03 of the Revised Code as it 781
existed prior to March 22, 2013. 782

(b) The district has a grade of "A" or "B" for the 783
performance index score under division (A) (1) (b) or (B) (1) (b) of 784
section 3302.03 of the Revised Code and for the value-added 785
progress dimension under division (A) (1) (e) or (B) (1) (e) of 786
section 3302.03 of the Revised Code for the 2012-2013, 2013- 787
2014, 2014-2015, and 2015-2016 school years. 788

(c) The district has an overall grade of "A" or "B" under 789
division (C) (3) of section 3302.03 of the Revised Code and a 790
grade of "A" for the value-added progress dimension under 791
division (C) (1) (e) of section 3302.03 of the Revised Code for 792
the 2016-2017 school year or any school year thereafter. 793

(J) For the 2020-2021 school year and for each school year 794
thereafter, a student shall be eligible for a scholarship under 795
this section if all of the following criteria are satisfied: 796

(1) The student's sibling received a scholarship under 797
this section during the 2019-2020 school year. 798

(2) The student is enrolled in or would be enrolled in a 799
building that, in the 2019-2020 school year, met one of the 800
conditions described in division (A), (B), (C), or (E) of this 801
section. A student shall not be eligible under division (J) (2) 802
of this section solely because the student is enrolled in or 803
would be enrolled in a building that, in the 2019-2020 school 804
year, met the conditions described in division (D) of this 805
section. 806

(3) The student was enrolled in a public or nonpublic 807
school in any of grades kindergarten through twelve or was 808
homeschooled for the equivalent of those grades in the 2019-2020 809
school year. 810

(K) (1) For the 2021-2022 school year and for each school 811
year thereafter, if a student received a scholarship for the 812
previous school year under this section but the student's family 813
income satisfies the requirements for a scholarship under 814
section 3310.032 of the Revised Code, the student shall not be 815
eligible for a scholarship under this section for that school 816
year and any school year thereafter and, instead, shall be 817
eligible for a scholarship under section 3310.032 of the Revised 818
Code. 819

(2) Notwithstanding anything to the contrary in section 820
3310.032 of the Revised Code, if a student receives a 821
scholarship under division (K) (1) of this section, that student 822

shall continue to receive a scholarship under section 3310.032 823
of the Revised Code, so long as the student satisfies the 824
conditions specified in divisions (F) (2) and (3) of this 825
section, in the amount of one hundred per cent of the full 826
scholarship amount until the student completes grade twelve, 827
regardless of any changes in the student's family income. 828

Sec. 3310.031. This section shall not apply for the 2020- 829
2021 school year and any school year thereafter. 830

(A) The state board of education shall adopt rules under 831
section 3310.17 of the Revised Code establishing procedures for 832
granting educational choice scholarships to eligible students 833
attending a nonpublic school at the time the state board grants 834
the school a charter under section 3301.16 of the Revised Code. 835
The procedures shall include at least the following: 836

(1) Provisions for extending the application period for 837
scholarships for the following school year, if necessary due to 838
the timing of the award of the nonpublic school's charter, in 839
order for students enrolled in the school at the time the 840
charter is granted to apply for scholarships for the following 841
school year; 842

(2) Provisions for notifying the resident districts of the 843
nonpublic school's students that the nonpublic school has been 844
granted a charter and that educational choice scholarships may 845
be awarded to the school's students for the following school 846
year. 847

(B) A student who is enrolled in a nonpublic school at the 848
time the school's charter is granted is an eligible student if 849
any of the following applies: 850

(1) At the end of the last school year before the student 851

enrolled in the nonpublic school, the student was enrolled in a 852
school building operated by the student's resident district or 853
in a community school established under Chapter 3314. of the 854
Revised Code and, for the current or following school year, the 855
student otherwise would be assigned under section 3319.01 of the 856
Revised Code to a school building described in division (A) (1) 857
or (B) (1) of section 3310.03 of the Revised Code. 858

(2) At the end of the last school year before the student 859
enrolled in the nonpublic school, the student was enrolled in a 860
school building operated by the student's resident district and, 861
for the current or following school year, the student otherwise 862
would be assigned under section 3319.01 of the Revised Code to a 863
school building described in division (A) (6) of section 3310.03 864
of the Revised Code. 865

(3) The student was not enrolled in any public or other 866
nonpublic school before the student enrolled in the nonpublic 867
school and, for the current or following school year, otherwise 868
would be assigned under section 3319.01 of the Revised Code to a 869
school building described in division (A) (1) or (6) or (B) (1) of 870
section 3310.03 of the Revised Code. 871

(4) At the end of the last school year before the student 872
enrolled in the nonpublic school, the student was enrolled in a 873
school building operated by the student's resident district and, 874
during that school year, the building met the conditions 875
described in division (A) (1) or (6) or (B) (1) of section 3310.03 876
of the Revised Code. 877

(5) At the end of the last school year before the student 878
enrolled in the nonpublic school, the student was enrolled in a 879
community school established under Chapter 3314. of the Revised 880
Code but otherwise would have been assigned under section 881

3319.01 of the Revised Code to a school building that, during 882
that school year, met the conditions described in division (A) 883
(1) or (B) (1) of section 3310.03 of the Revised Code. 884

Sec. 3310.032. ~~(A)~~ The scholarship program established in 885
this section shall be known as the buckeye opportunity 886
scholarship program. 887

(A) A student is an "eligible student" for purposes of ~~the~~ 888
~~expansion of the educational choice scholarship pilot program~~ 889
~~under this section if the~~ student satisfies any of the 890
following: 891

(1) The student's resident district is not a school 892
district in which the pilot project scholarship program is 893
operating under sections 3313.974 to 3313.979 of the Revised 894
Code, the student is not ~~eligible for receiving~~ an educational 895
choice scholarship under section 3310.03 of the Revised Code, 896
and the student's family income is at or below two hundred fifty 897
per cent of the federal poverty guidelines, as defined in 898
section 5101.46 of the Revised Code. 899

(2) The student's sibling received a scholarship under 900
this section in the prior school year. 901

(3) The student is eligible under division (K) of section 902
3310.03 of the Revised Code. 903

(B) In each fiscal year for which the general assembly 904
appropriates funds for purposes of this section, the department 905
of education shall pay scholarships to attend chartered 906
nonpublic schools in accordance with section 3310.08 of the 907
Revised Code. The number of scholarships awarded under this 908
section shall not exceed the number that can be funded with 909
appropriations made by the general assembly for this purpose. 910

(C) Scholarships under this section shall be awarded as 911
follows: 912

(1) For the 2013-2014 school year, to eligible students 913
who are entering kindergarten in that school year for the first 914
time; 915

(2) For each subsequent school year through the 2019-2020 916
school year, scholarships shall be awarded to eligible students 917
in the next grade level above the highest grade level awarded in 918
the preceding school year, in addition to the grade levels for 919
which students received scholarships in the preceding school 920
year; 921

(3) Beginning with the 2020-2021 school year, to eligible 922
students who are entering any of grades kindergarten through 923
twelve in that school year for the first time. 924

(D) If the number of eligible students who apply for a 925
scholarship under this section exceeds the scholarships 926
available based on the appropriation for this section, the 927
department shall award scholarships in the following order of 928
priority: 929

(1) First, to eligible students who received scholarships 930
under this section in the prior school year and their siblings; 931

(2) Second, to other eligible students with in rank order 932
of family incomes at or below one hundred per cent of the income 933
according to federal poverty guidelines, with lower income 934
students having priority over higher income students. If the 935
~~number of students described in division (D)(2) of this section~~ 936
~~who apply for a scholarship exceeds the number of available~~ 937
~~scholarships after awards are made under division (D)(1) of this~~ 938
~~section, the department shall select students described in~~ 939

~~division (D) (2) of this section by lot to receive any remaining~~ 940
~~scholarships.~~ 941

~~(3) Third, to other eligible students who qualify under~~ 942
~~this section. If the number of students described in division~~ 943
~~(D) (3) of this section exceeds the number of available~~ 944
~~scholarships after awards are made under divisions (D) (1) and~~ 945
~~(2) of this section, the department shall select students~~ 946
~~described in division (D) (3) of this section by lot to receive~~ 947
~~any remaining scholarships.~~ 948

(E) Subject to divisions (E) (1) to (3) of this section, a 949
student who receives a scholarship under this section remains an 950
eligible student and may continue to receive scholarships under 951
this section in subsequent school years until the student 952
completes grade twelve, so long as the student satisfies the 953
conditions specified in divisions (F) (2) and (3) of section 954
3310.03 of the Revised Code. 955

~~Once~~ Except as provided in division (K) of section 3310.03 956
of the Revised Code, once a scholarship is awarded under this 957
section, the student shall remain eligible for that scholarship 958
for the current school year and subsequent school years even if 959
the student's family income rises above the amount specified in 960
division (A) of this section, provided the student remains 961
enrolled in a chartered nonpublic school, however: 962

(1) If the student's family income is above two hundred 963
fifty per cent but at or below ~~three~~ two hundred seventy-five 964
per cent of the federal poverty guidelines, the student shall 965
receive a scholarship in the amount of seventy-five per cent of 966
the full scholarship amount. 967

(2) If the student's family income is above ~~three~~ two 968

hundred seventy-five per cent but at or below ~~four-three~~ hundred 969
per cent of the federal poverty guidelines, the student shall 970
receive a scholarship in the amount of fifty per cent of the 971
full scholarship amount. 972

(3) If the student's family income is above ~~four-three~~ 973
hundred per cent of the federal poverty guidelines, the student 974
is no longer eligible to receive an educational choice 975
scholarship. 976

Sec. 3310.08. (A) As used in this section, "tuition 977
discount" means any deduction from the base tuition amount per 978
student charged by the school, to which the student's family is 979
entitled due to one or more of the following conditions: 980

(1) The student's family has multiple children enrolled in 981
the same school. 982

(2) The student's family is a member of or affiliated with 983
a religious or secular organization that provides oversight of 984
the school or from which the school has agreed to enroll 985
students. 986

(3) The student's parent is an employee of the school. 987

(4) Some other qualification not based on the income of 988
the student's family or the student's athletic or academic 989
ability and for which all students in the school may qualify. 990

(B) The amount paid for an eligible student under the 991
educational choice scholarship pilot program, awarded under 992
section 3310.03 of the Revised Code, and the ~~expansion of the~~ 993
buckeye opportunity scholarship program, awarded under section 994
3310.032 of the Revised Code, shall be the lesser of the 995
following: 996

(1) The base tuition of the chartered nonpublic school in 997
which the student is enrolled minus the total amount of any 998
applicable tuition discounts for which the student qualifies; 999

(2) The maximum amount prescribed in section 3310.09 of 1000
the Revised Code. 1001

(C) (1) The department of education shall pay to the parent 1002
of each eligible student for whom a scholarship is awarded under 1003
the program, or to the student if at least eighteen years of 1004
age, periodic partial payments of the scholarship. 1005

(2) The department shall proportionately reduce or 1006
terminate the payments for any student who withdraws from a 1007
chartered nonpublic school prior to the end of the school year. 1008

(D) (1) The department shall deduct from the payments made 1009
to each school district under Chapter 3317., and if necessary, 1010
sections 321.24 and 323.156 of the Revised Code, the amount paid 1011
under division (C) of this section for each eligible student who 1012
qualifies for a scholarship under section 3310.03 of the Revised 1013
Code and who is entitled under section 3313.64 or 3313.65 of the 1014
Revised Code to attend school in the district. In the case of a 1015
student entitled to attend school in a school district under 1016
division (B) (2) (a) of section 3313.64 or division (C) of section 1017
3313.65 of the Revised Code, the department shall deduct the 1018
payments from the school district in whose formula ADM the 1019
student is included, as that term is defined in section 3317.02 1020
of the Revised Code. 1021

(2) If the department reduces or terminates payments to a 1022
parent or a student, as prescribed in division (C) (2) of this 1023
section, and the student enrolls in the schools of the student's 1024
resident district or in a community school, established under 1025

Chapter 3314. of the Revised Code, before the end of the school 1026
year, the department shall proportionally restore to the 1027
resident district the amount deducted for that student under 1028
division (D) (1) of this section. 1029

Sec. 3310.16. For the ~~2020-2021-2021-2022~~ school year and 1030
each school year thereafter, the department of education shall 1031
accept, process, and award scholarships each year for the 1032
educational choice scholarship pilot program under ~~sections-~~ 1033
section 3310.03 and 3310.032 of the Revised Code and the buckeye 1034
opportunity scholarship program under section 3310.032 of the 1035
Revised Code, as follows: 1036

(A) A ~~priority~~ single application period shall open on the 1037
first day of February and close on the first day of April prior 1038
to the first day of July of the school year for which a 1039
scholarship is sought ~~and run not less than seventy five days.~~ 1040
The department shall award scholarships under this division not 1041
later than the thirtieth day of June prior to the first day of 1042
July of the school year for which a scholarship is sought. 1043

(B) ~~The department shall continue to award scholarships-~~ 1044
~~after the priority application period closes. If the department-~~ 1045
~~awards a scholarship after the beginning of the school year, the-~~ 1046
~~department shall prorate the amount of the scholarship based on-~~ 1047
~~how much of the school year remains. The department shall~~ 1048
~~continue to award income based scholarships under section~~ 1049
3310.032 of the Revised Code only so long as funds appropriated 1050
by the general assembly for such scholarships for that school 1051
year remain available. 1052

Sec. 3313.14. The board of education of each city, 1053
exempted village, and local school district shall meet on a day 1054
occurring during the first fifteen days of January of each year, 1055

and shall organize by electing one of its members president and 1056
another vice-president, both of whom shall serve for one year. 1057
The treasurer of the board shall canvass the members of the new 1058
board no later than December thirty-first to establish the day 1059
of the organizational meeting prescribed by this section. 1060

The board of education of a joint vocational school 1061
district shall hold its first meeting in January of each year, 1062
and shall organize by electing one of its members president and 1063
another vice-president, both of whom shall serve for one year. 1064
The treasurer of the board shall canvass the members of the new 1065
board no later than December thirty-first to establish the day 1066
of the organizational meeting prescribed by this section. 1067

The governing board of each educational service center 1068
shall hold its first meeting in January of each year, and shall 1069
organize by electing one of its members president and another 1070
vice-president, both of whom shall serve for one year. 1071

Sec. 3313.25. (A) Except as otherwise provided in section 1072
3.061 of the Revised Code, before entering upon the duties of 1073
office, the treasurer of each school district board of education 1074
or educational service center governing board shall execute a 1075
bond, in an amount and with surety to be approved by the board, 1076
payable to the state, conditioned for the faithful performance 1077
of all the official duties required of the treasurer. Such bond 1078
must be deposited with the president of the board, and a copy 1079
thereof, certified by the president, shall be filed with the 1080
county auditor. 1081

(B) (1) A treasurer shall not be held liable for a loss of 1082
public funds when the treasurer has performed all official 1083
duties required of the treasurer with reasonable care, but shall 1084
be liable only when a loss of public funds results from the 1085

treasurer's negligence or other wrongful act. 1086

(2) The department of education shall not consider the 1087
loss of public funds not resulting from the treasurer's 1088
negligence or other wrongful act a violation of the treasurer's 1089
professional duties, provided the treasurer has performed all 1090
official duties required of the treasurer with reasonable care. 1091

Sec. 3313.482. (A) (1) Prior to the first day of August of 1092
each school year, the board of education of any school district 1093
or the governing authority of any chartered nonpublic school may 1094
adopt a plan to require students to access and complete 1095
classroom lessons posted on the district's or nonpublic school's 1096
web portal or web site in order to make up hours in that school 1097
year on which it is necessary to close schools for disease 1098
epidemic, hazardous weather conditions, law enforcement 1099
emergencies, inoperability of school buses or other equipment 1100
necessary to the school's operation, damage to a school 1101
building, or other temporary circumstances due to utility 1102
failure rendering the school building unfit for school use. 1103

Prior to the first day of August of each school year, the 1104
governing authority of any community school established under 1105
Chapter 3314. that is not an internet- or computer-based 1106
community school, as defined in section 3314.02 of the Revised 1107
Code, may adopt a plan to require students to access and 1108
complete classroom lessons posted on the school's web portal or 1109
web site in order to make up hours in that school year on which 1110
it is necessary to close the school for any of the reasons 1111
specified in division (H) (4) of section 3314.08 of the Revised 1112
Code so that the school is in compliance with the minimum number 1113
of hours required under Chapter 3314. of the Revised Code. 1114

A plan adopted by a school district board, chartered 1115

nonpublic school governing authority, or community school 1116
governing authority shall provide for making up any number of 1117
hours, up to a maximum of the number of hours that are the 1118
equivalent of three school days. 1119

(2) Each plan adopted under this section by a school 1120
district board of education shall include the written consent of 1121
the teachers' employee representative designated under division 1122
(B) of section 4117.04 of the Revised Code. 1123

(3) Each plan adopted under this section shall provide for 1124
the following: 1125

(a) Not later than the first day of November of the school 1126
year, each classroom teacher shall develop a sufficient number 1127
of lessons for each course taught by the teacher that school 1128
year to cover the number of make-up hours specified in the plan. 1129
The teacher shall designate the order in which the lessons are 1130
to be posted on the district's, community school's, or nonpublic 1131
school's web portal or web site in the event of a school 1132
closure. Teachers may be granted up to one professional 1133
development day to create lesson plans for those lessons. 1134

(b) To the extent possible and necessary, a classroom 1135
teacher shall update or replace, based on current instructional 1136
progress, one or more of the lesson plans developed under 1137
division (A) (3) (a) of this section before they are posted on the 1138
web portal or web site under division (A) (3) (c) of this section 1139
or distributed under division (B) of this section. 1140

(c) As soon as practicable after a school closure, a 1141
district or school employee responsible for web portal or web 1142
site operations shall make the designated lessons available to 1143
students on the district's, community school's, or nonpublic 1144

school's portal or site. A lesson shall be posted for each 1145
course that was scheduled to meet on the day or hours of the 1146
closure. 1147

(d) Each student enrolled in a course for which a lesson 1148
is posted on the portal or site shall be granted a two-week 1149
period from the date of posting to complete the lesson. The 1150
student's classroom teacher shall grade the lesson in the same 1151
manner as other lessons. The student may receive an incomplete 1152
or failing grade if the lesson is not completed on time. 1153

(e) If a student does not have access to a computer at the 1154
student's residence and the plan does not include blizzard bags 1155
under division (B) of this section, the student shall be 1156
permitted to work on the posted lessons at school after the 1157
student's school reopens. If the lessons were posted prior to 1158
the reopening, the student shall be granted a two-week period 1159
from the date of the reopening, rather than from the date of 1160
posting as otherwise required under division (A) (3) (d) of this 1161
section, to complete the lessons. The district board or 1162
community school or nonpublic school governing authority may 1163
provide the student access to a computer before, during, or 1164
after the regularly scheduled school day or may provide a 1165
substantially similar paper lesson in order to complete the 1166
lessons. 1167

(B) (1) In addition to posting classroom lessons online 1168
under division (A) of this section, the board of education of 1169
any school district or governing authority of any community or 1170
chartered nonpublic school may include in the plan distribution 1171
of "blizzard bags," which are paper copies of the lessons posted 1172
online. 1173

(2) If a school opts to use blizzard bags, teachers shall 1174

prepare paper copies in conjunction with the lessons to be 1175
posted online and update the paper copies whenever the teacher 1176
updates the online lesson plans. 1177

(3) The board of education of any school district or 1178
governing authority of any community or chartered nonpublic 1179
school that opts to use blizzard bags shall specify in the plan 1180
the method of distribution of blizzard bag lessons, which may 1181
include, but not be limited to, requiring distribution by a 1182
specific deadline or requiring distribution prior to anticipated 1183
school closure as directed by the superintendent of a school 1184
district or the principal, director, chief administrative 1185
officer, or the equivalent, of a school. 1186

(4) Students shall turn in completed lessons in accordance 1187
with division (A) (3) (d) of this section. 1188

(C) In addition to the hours that may be made up in 1189
accordance with divisions (A) and (B) of this section, the board 1190
of education of any joint vocational school district may include 1191
in its plan adopted under this section other options to make up 1192
any number of additional hours missed as a result of one or more 1193
of the schools of its member city, exempted village, or local 1194
school districts were closed for the reasons specified in 1195
division (A) (1) of this section. Those options may include 1196
additional online lessons, planned student internships, student 1197
projects, or other options specified by the board in its plan. 1198

(D) (1) No school district that implements a plan in 1199
accordance with this section shall be considered to have failed 1200
to comply with division (B) of section 3317.01 of the Revised 1201
Code with respect to the number of make-up hours specified in 1202
the plan. 1203

(2) No community school that implements a plan in 1204
accordance with this section shall be considered to have failed 1205
to comply with the minimum number of hours required under 1206
Chapter 3314. of the Revised Code with respect to the number of 1207
make-up hours specified in the plan. 1208

Sec. 3313.82. ~~The~~ (A) Subject to division (D) of this 1209
section, the board of education of each school district and the 1210
governing board of each educational service center shall appoint 1211
a business advisory council, except that a school district that 1212
has entered into an agreement under section 3313.843 or 3313.845 1213
of the Revised Code to receive any services from an educational 1214
service center is not required to appoint a council if the 1215
school district and educational service center agree that the 1216
educational service center's council will represent the business 1217
of the district. ~~The~~ 1218

(B) The council shall advise and provide recommendations 1219
to the board on matters specified by the board including, but 1220
not necessarily limited to, ~~the~~ all of the following: 1221

(1) The delineation of employment skills and the 1222
development of curriculum to instill these skills; ~~changes~~ 1223

(2) Changes in the economy and in the job market, and the 1224
types of employment in which future jobs are most likely to be 1225
available; ~~and suggestions~~ 1226

(3) Suggestions for developing a working relationship 1227
among businesses, labor organizations, and educational 1228
personnel. ~~Each~~ 1229

(C) Each board shall determine the membership and 1230
organization of its council. ~~Notwithstanding~~ 1231

(D) A school district shall not be required to appoint a 1232

council under division (A) of this section if the school 1233
district has entered into an agreement with the business 1234
advisory committee of a joint vocational school district that 1235
allows the business advisory committee to represent the business 1236
of the school district in accordance with this section. 1237

(E) Notwithstanding division (D) of section 3311.19 and 1238
division (D) of section 3311.52 of the Revised Code, this 1239
section shall not apply to the board of education of any joint 1240
vocational school district or any cooperative education school 1241
district created pursuant to divisions (A) to (C) of section 1242
3311.52 of the Revised Code. 1243

Sec. 3313.903. Except as otherwise required under federal 1244
law, the department of education shall consider an industry- 1245
recognized credential, ~~as described under division (B) (2) (d) of~~ 1246
~~section 3302.03~~ approved under section 3313.6113 of the Revised 1247
Code, or a license issued by a state agency or board for 1248
practice in a vocation that requires an examination for issuance 1249
of that license as an acceptable measure of technical skill 1250
attainment and shall not require a student with such credential 1251
or license to take additional technical assessments. 1252

Additionally, the department shall not require a student 1253
who has participated in or will be participating in a 1254
credentialing assessment aligned to the student's career- 1255
technical education program or has participated in or will be 1256
participating in taking an examination for issuance of such a 1257
license aligned to the student's career-technical education 1258
program to take additional technical assessments. 1259

However, if the student does not participate in the 1260
credentialing assessment or license examination, the student 1261
shall take the applicable technical assessments prescribed by 1262

the department. 1263

The department shall develop, in consultation with the 1264
Ohio association for career and technical education, the Ohio 1265
association of career-technical superintendents, the Ohio 1266
association of city career-technical schools, and other 1267
stakeholders, procedures for identifying industry-recognized 1268
credentials and licenses aligned to a student's career-technical 1269
education program that can be used as an acceptable measure of 1270
technical skill, and for identifying students in the process of 1271
earning such credentials and licenses. The department shall 1272
consider the possibility of attaining college credit as a factor 1273
when identifying an acceptable measure of technical skill. 1274

Not later than the thirty-first day of May of each year, 1275
the department shall, in consultation with the Ohio association 1276
for career and technical education, the Ohio association of 1277
career-technical superintendents, and the Ohio association of 1278
comprehensive and compact career-technical schools, update a 1279
list developed by the department regarding technical assessments 1280
subject to this section. 1281

As used in this section, "technical assessments" shall not 1282
include the nationally recognized job skills assessment 1283
prescribed under division (G) of section 3301.0712 of the 1284
Revised Code. 1285

Nothing in this section shall exempt a student who wishes 1286
to qualify for a high school diploma under division (A) (3) of 1287
section 3313.618 of the Revised Code from the requirement to 1288
attain a specified score on that assessment in order to qualify 1289
for a high school diploma under that section. 1290

Sec. 3314.011. (A) Every community school established 1291

under this chapter shall have a designated fiscal officer. 1292
Except as provided for in division ~~(C)~~(D) of this section, the 1293
fiscal officer shall be employed by or engaged under a contract 1294
with the governing authority of the community school. 1295

(B) Except as otherwise provided in section 3.061 of the 1296
Revised Code, the auditor of state shall require that the fiscal 1297
officer of any community school, before entering upon duties as 1298
fiscal officer of the school, execute a bond in an amount and 1299
with surety to be approved by the governing authority of the 1300
school, payable to the state, conditioned for the faithful 1301
performance of all the official duties required of the fiscal 1302
officer. The bond shall be deposited with the governing 1303
authority of the school, and a copy thereof, certified by the 1304
governing authority, shall be filed with the county auditor. 1305

(C) (1) A fiscal officer shall not be held liable for a 1306
loss of public funds when the fiscal officer has performed all 1307
official duties required of the fiscal officer with reasonable 1308
care, but shall be liable only when a loss of public funds 1309
results from the fiscal officer's negligence or other wrongful 1310
act. 1311

(2) The department of education shall not consider the 1312
loss of public funds not resulting from the fiscal officer's 1313
negligence or other wrongful act a violation of the fiscal 1314
officer's professional duties, provided the fiscal officer has 1315
performed all official duties required of the fiscal officer 1316
with reasonable care. 1317

(3) Except as provided for in division (C) of section 1318
3314.17 of the Revised Code, no fiscal officer shall be liable 1319
for a loss of public funds that results from a fiscal officer's 1320
reliance on the accuracy of nonfinancial information or data of 1321

the community school, including reports in the education 1322
management information system under section 3301.0714 of the 1323
Revised Code, student transportation reports, and licensure or 1324
other credentialing information, unless the loss results from 1325
the fiscal officer's negligence or other wrongful act. 1326

(4) To the extent that a fiscal officer is required to 1327
receive written statements from the community school's chief 1328
administrative officer that a teacher has filed required reports 1329
and a legal educator license, or true copy of it, prior to 1330
payment to the teacher for services, no fiscal officer shall be 1331
liable for a loss of public funds for any payments to the 1332
teacher that are made by the fiscal officer, unless the loss 1333
results from the fiscal officer's own negligence or other 1334
wrongful act. 1335

(D) Prior to assuming the duties of fiscal officer, the 1336
fiscal officer designated under this section shall be licensed 1337
under section 3301.074 of the Revised Code. Any person serving 1338
as a fiscal officer of a community school on March 22, 2013, who 1339
is not licensed as a treasurer shall be permitted to serve as a 1340
fiscal officer for not more than one year following March 22, 1341
2013. Beginning on that date and thereafter, no community school 1342
shall permit any individual to serve as a fiscal officer without 1343
a license as required by this section. 1344

~~(D)(1)~~ (E)(1) The governing authority of a community 1345
school may adopt a resolution waiving the requirement that the 1346
governing authority is the party responsible to employ or 1347
contract with the designated fiscal officer, as prescribed by 1348
division (A) of this section, so long as the school's sponsor 1349
also approves the resolution. The resolution shall be valid for 1350
one year. A new resolution shall be adopted for each year that 1351

the governing authority wishes to waive this requirement, so 1352
long as the school's sponsor also approves the resolution. 1353

No resolution adopted pursuant to this division may waive 1354
the requirement for a community school to have a designated 1355
fiscal officer. 1356

(2) If the governing authority adopts a resolution 1357
pursuant to division ~~(D) (1)~~ (E) (1) of this section, the school's 1358
designated fiscal officer annually shall meet with the governing 1359
authority to review the school's financial status. 1360

(3) The governing authority shall submit to the department 1361
~~of education~~ a copy of each resolution adopted pursuant to 1362
division ~~(D) (1)~~ (E) (1) of this section. 1363

Sec. 3314.03. A copy of every contract entered into under 1364
this section shall be filed with the superintendent of public 1365
instruction. The department of education shall make available on 1366
its web site a copy of every approved, executed contract filed 1367
with the superintendent under this section. 1368

(A) Each contract entered into between a sponsor and the 1369
governing authority of a community school shall specify the 1370
following: 1371

(1) That the school shall be established as either of the 1372
following: 1373

(a) A nonprofit corporation established under Chapter 1374
1702. of the Revised Code, if established prior to April 8, 1375
2003; 1376

(b) A public benefit corporation established under Chapter 1377
1702. of the Revised Code, if established after April 8, 2003. 1378

(2) The education program of the school, including the 1379

school's mission, the characteristics of the students the school 1380
is expected to attract, the ages and grades of students, and the 1381
focus of the curriculum; 1382

(3) The academic goals to be achieved and the method of 1383
measurement that will be used to determine progress toward those 1384
goals, which shall include the statewide achievement 1385
assessments; 1386

(4) Performance standards, including but not limited to 1387
all applicable report card measures set forth in section 3302.03 1388
or 3314.017 of the Revised Code, by which the success of the 1389
school will be evaluated by the sponsor; 1390

(5) The admission standards of section 3314.06 of the 1391
Revised Code and, if applicable, section 3314.061 of the Revised 1392
Code; 1393

(6) (a) Dismissal procedures; 1394

(b) A requirement that the governing authority adopt an 1395
attendance policy that includes a procedure for automatically 1396
withdrawing a student from the school if the student without a 1397
legitimate excuse fails to participate in seventy-two 1398
consecutive hours of the learning opportunities offered to the 1399
student. 1400

(7) The ways by which the school will achieve racial and 1401
ethnic balance reflective of the community it serves; 1402

(8) Requirements for financial audits by the auditor of 1403
state. The contract shall require financial records of the 1404
school to be maintained in the same manner as are financial 1405
records of school districts, pursuant to rules of the auditor of 1406
state. Audits shall be conducted in accordance with section 1407
117.10 of the Revised Code. 1408

(9) An addendum to the contract outlining the facilities	1409
to be used that contains at least the following information:	1410
(a) A detailed description of each facility used for	1411
instructional purposes;	1412
(b) The annual costs associated with leasing each facility	1413
that are paid by or on behalf of the school;	1414
(c) The annual mortgage principal and interest payments	1415
that are paid by the school;	1416
(d) The name of the lender or landlord, identified as	1417
such, and the lender's or landlord's relationship to the	1418
operator, if any.	1419
(10) Qualifications of teachers, including a requirement	1420
that the school's classroom teachers be licensed in accordance	1421
with sections 3319.22 to 3319.31 of the Revised Code, except	1422
that a community school may engage noncertificated persons to	1423
teach up to twelve hours <u>or forty hours</u> per week pursuant to	1424
section 3319.301 of the Revised Code.	1425
(11) That the school will comply with the following	1426
requirements:	1427
(a) The school will provide learning opportunities to a	1428
minimum of twenty-five students for a minimum of nine hundred	1429
twenty hours per school year.	1430
(b) The governing authority will purchase liability	1431
insurance, or otherwise provide for the potential liability of	1432
the school.	1433
(c) The school will be nonsectarian in its programs,	1434
admission policies, employment practices, and all other	1435
operations, and will not be operated by a sectarian school or	1436

religious institution. 1437

(d) The school will comply with sections 9.90, 9.91, 1438
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 1439
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 1440
3313.50, 3313.536, 3313.539, 3313.5310, 3313.608, 3313.609, 1441
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 1442
3313.6024, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 1443
3313.662, 3313.666, 3313.667, 3313.668, 3313.67, 3313.671, 1444
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 1445
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 1446
3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 1447
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3321.01, 1448
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 1449
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1450
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 1451
of the Revised Code as if it were a school district and will 1452
comply with section 3301.0714 of the Revised Code in the manner 1453
specified in section 3314.17 of the Revised Code. 1454

(e) The school shall comply with Chapter 102. and section 1455
2921.42 of the Revised Code. 1456

(f) The school will comply with sections 3313.61, 1457
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 1458
Revised Code, except that for students who enter ninth grade for 1459
the first time before July 1, 2010, the requirement in sections 1460
3313.61 and 3313.611 of the Revised Code that a person must 1461
successfully complete the curriculum in any high school prior to 1462
receiving a high school diploma may be met by completing the 1463
curriculum adopted by the governing authority of the community 1464
school rather than the curriculum specified in Title XXXIII of 1465
the Revised Code or any rules of the state board of education. 1466

Beginning with students who enter ninth grade for the first time 1467
on or after July 1, 2010, the requirement in sections 3313.61 1468
and 3313.611 of the Revised Code that a person must successfully 1469
complete the curriculum of a high school prior to receiving a 1470
high school diploma shall be met by completing the requirements 1471
prescribed in division (C) of section 3313.603 of the Revised 1472
Code, unless the person qualifies under division (D) or (F) of 1473
that section. Each school shall comply with the plan for 1474
awarding high school credit based on demonstration of subject 1475
area competency, and beginning with the 2017-2018 school year, 1476
with the updated plan that permits students enrolled in seventh 1477
and eighth grade to meet curriculum requirements based on 1478
subject area competency adopted by the state board of education 1479
under divisions (J) (1) and (2) of section 3313.603 of the 1480
Revised Code. Beginning with the 2018-2019 school year, the 1481
school shall comply with the framework for granting units of 1482
high school credit to students who demonstrate subject area 1483
competency through work-based learning experiences, internships, 1484
or cooperative education developed by the department under 1485
division (J) (3) of section 3313.603 of the Revised Code. 1486

(g) The school governing authority will submit within four 1487
months after the end of each school year a report of its 1488
activities and progress in meeting the goals and standards of 1489
divisions (A) (3) and (4) of this section and its financial 1490
status to the sponsor and the parents of all students enrolled 1491
in the school. 1492

(h) The school, unless it is an internet- or computer- 1493
based community school, will comply with section 3313.801 of the 1494
Revised Code as if it were a school district. 1495

(i) If the school is the recipient of moneys from a grant 1496

awarded under the federal race to the top program, Division (A), 1497
Title XIV, Sections 14005 and 14006 of the "American Recovery 1498
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 1499
the school will pay teachers based upon performance in 1500
accordance with section 3317.141 and will comply with section 1501
3319.111 of the Revised Code as if it were a school district. 1502

(j) If the school operates a preschool program that is 1503
licensed by the department of education under sections 3301.52 1504
to 3301.59 of the Revised Code, the school shall comply with 1505
sections 3301.50 to 3301.59 of the Revised Code and the minimum 1506
standards for preschool programs prescribed in rules adopted by 1507
the state board under section 3301.53 of the Revised Code. 1508

(k) The school will comply with sections 3313.6021 and 1509
3313.6023 of the Revised Code as if it were a school district 1510
unless it is either of the following: 1511

(i) An internet- or computer-based community school; 1512

(ii) A community school in which a majority of the 1513
enrolled students are children with disabilities as described in 1514
division (A) (4) (b) of section 3314.35 of the Revised Code. 1515

(12) Arrangements for providing health and other benefits 1516
to employees; 1517

(13) The length of the contract, which shall begin at the 1518
beginning of an academic year. No contract shall exceed five 1519
years unless such contract has been renewed pursuant to division 1520
(E) of this section. 1521

(14) The governing authority of the school, which shall be 1522
responsible for carrying out the provisions of the contract; 1523

(15) A financial plan detailing an estimated school budget 1524

for each year of the period of the contract and specifying the 1525
total estimated per pupil expenditure amount for each such year. 1526

(16) Requirements and procedures regarding the disposition 1527
of employees of the school in the event the contract is 1528
terminated or not renewed pursuant to section 3314.07 of the 1529
Revised Code; 1530

(17) Whether the school is to be created by converting all 1531
or part of an existing public school or educational service 1532
center building or is to be a new start-up school, and if it is 1533
a converted public school or service center building, 1534
specification of any duties or responsibilities of an employer 1535
that the board of education or service center governing board 1536
that operated the school or building before conversion is 1537
delegating to the governing authority of the community school 1538
with respect to all or any specified group of employees provided 1539
the delegation is not prohibited by a collective bargaining 1540
agreement applicable to such employees; 1541

(18) Provisions establishing procedures for resolving 1542
disputes or differences of opinion between the sponsor and the 1543
governing authority of the community school; 1544

(19) A provision requiring the governing authority to 1545
adopt a policy regarding the admission of students who reside 1546
outside the district in which the school is located. That policy 1547
shall comply with the admissions procedures specified in 1548
sections 3314.06 and 3314.061 of the Revised Code and, at the 1549
sole discretion of the authority, shall do one of the following: 1550

(a) Prohibit the enrollment of students who reside outside 1551
the district in which the school is located; 1552

(b) Permit the enrollment of students who reside in 1553

districts adjacent to the district in which the school is 1554
located; 1555

(c) Permit the enrollment of students who reside in any 1556
other district in the state. 1557

(20) A provision recognizing the authority of the 1558
department of education to take over the sponsorship of the 1559
school in accordance with the provisions of division (C) of 1560
section 3314.015 of the Revised Code; 1561

(21) A provision recognizing the sponsor's authority to 1562
assume the operation of a school under the conditions specified 1563
in division (B) of section 3314.073 of the Revised Code; 1564

(22) A provision recognizing both of the following: 1565

(a) The authority of public health and safety officials to 1566
inspect the facilities of the school and to order the facilities 1567
closed if those officials find that the facilities are not in 1568
compliance with health and safety laws and regulations; 1569

(b) The authority of the department of education as the 1570
community school oversight body to suspend the operation of the 1571
school under section 3314.072 of the Revised Code if the 1572
department has evidence of conditions or violations of law at 1573
the school that pose an imminent danger to the health and safety 1574
of the school's students and employees and the sponsor refuses 1575
to take such action. 1576

(23) A description of the learning opportunities that will 1577
be offered to students including both classroom-based and non- 1578
classroom-based learning opportunities that is in compliance 1579
with criteria for student participation established by the 1580
department under division (H) (2) of section 3314.08 of the 1581
Revised Code; 1582

(24) The school will comply with sections 3302.04 and 1583
3302.041 of the Revised Code, except that any action required to 1584
be taken by a school district pursuant to those sections shall 1585
be taken by the sponsor of the school. However, the sponsor 1586
shall not be required to take any action described in division 1587
(F) of section 3302.04 of the Revised Code. 1588

(25) Beginning in the 2006-2007 school year, the school 1589
will open for operation not later than the thirtieth day of 1590
September each school year, unless the mission of the school as 1591
specified under division (A) (2) of this section is solely to 1592
serve dropouts. In its initial year of operation, if the school 1593
fails to open by the thirtieth day of September, or within one 1594
year after the adoption of the contract pursuant to division (D) 1595
of section 3314.02 of the Revised Code if the mission of the 1596
school is solely to serve dropouts, the contract shall be void. 1597

(26) Whether the school's governing authority is planning 1598
to seek designation for the school as a STEM school equivalent 1599
under section 3326.032 of the Revised Code; 1600

(27) That the school's attendance and participation 1601
policies will be available for public inspection; 1602

(28) That the school's attendance and participation 1603
records shall be made available to the department of education, 1604
auditor of state, and school's sponsor to the extent permitted 1605
under and in accordance with the "Family Educational Rights and 1606
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 1607
and any regulations promulgated under that act, and section 1608
3319.321 of the Revised Code; 1609

(29) If a school operates using the blended learning 1610
model, as defined in section 3301.079 of the Revised Code, all 1611

of the following information:	1612
(a) An indication of what blended learning model or models will be used;	1613 1614
(b) A description of how student instructional needs will be determined and documented;	1615 1616
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	1617 1618
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	1619 1620 1621
(e) A statement describing how student progress will be monitored;	1622 1623
(f) A statement describing how private student data will be protected;	1624 1625
(g) A description of the professional development activities that will be offered to teachers.	1626 1627
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	1628 1629 1630 1631
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	1632 1633 1634 1635 1636
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a	1637 1638

student's parent to notify the community school in which the 1639
student is enrolled when there is a change in the location of 1640
the parent's or student's primary residence. 1641

(33) A provision requiring the governing authority to 1642
adopt a student residence and address verification policy for 1643
students enrolling in or attending the school. 1644

(B) The community school shall also submit to the sponsor 1645
a comprehensive plan for the school. The plan shall specify the 1646
following: 1647

(1) The process by which the governing authority of the 1648
school will be selected in the future; 1649

(2) The management and administration of the school; 1650

(3) If the community school is a currently existing public 1651
school or educational service center building, alternative 1652
arrangements for current public school students who choose not 1653
to attend the converted school and for teachers who choose not 1654
to teach in the school or building after conversion; 1655

(4) The instructional program and educational philosophy 1656
of the school; 1657

(5) Internal financial controls. 1658

When submitting the plan under this division, the school 1659
shall also submit copies of all policies and procedures 1660
regarding internal financial controls adopted by the governing 1661
authority of the school. 1662

(C) A contract entered into under section 3314.02 of the 1663
Revised Code between a sponsor and the governing authority of a 1664
community school may provide for the community school governing 1665
authority to make payments to the sponsor, which is hereby 1666

authorized to receive such payments as set forth in the contract 1667
between the governing authority and the sponsor. The total 1668
amount of such payments for monitoring, oversight, and technical 1669
assistance of the school shall not exceed three per cent of the 1670
total amount of payments for operating expenses that the school 1671
receives from the state. 1672

(D) The contract shall specify the duties of the sponsor 1673
which shall be in accordance with the written agreement entered 1674
into with the department of education under division (B) of 1675
section 3314.015 of the Revised Code and shall include the 1676
following: 1677

(1) Monitor the community school's compliance with all 1678
laws applicable to the school and with the terms of the 1679
contract; 1680

(2) Monitor and evaluate the academic and fiscal 1681
performance and the organization and operation of the community 1682
school on at least an annual basis; 1683

(3) Report on an annual basis the results of the 1684
evaluation conducted under division (D) (2) of this section to 1685
the department of education and to the parents of students 1686
enrolled in the community school; 1687

(4) Provide technical assistance to the community school 1688
in complying with laws applicable to the school and terms of the 1689
contract; 1690

(5) Take steps to intervene in the school's operation to 1691
correct problems in the school's overall performance, declare 1692
the school to be on probationary status pursuant to section 1693
3314.073 of the Revised Code, suspend the operation of the 1694
school pursuant to section 3314.072 of the Revised Code, or 1695

terminate the contract of the school pursuant to section 3314.07 1696
of the Revised Code as determined necessary by the sponsor; 1697

(6) Have in place a plan of action to be undertaken in the 1698
event the community school experiences financial difficulties or 1699
closes prior to the end of a school year. 1700

(E) Upon the expiration of a contract entered into under 1701
this section, the sponsor of a community school may, with the 1702
approval of the governing authority of the school, renew that 1703
contract for a period of time determined by the sponsor, but not 1704
ending earlier than the end of any school year, if the sponsor 1705
finds that the school's compliance with applicable laws and 1706
terms of the contract and the school's progress in meeting the 1707
academic goals prescribed in the contract have been 1708
satisfactory. Any contract that is renewed under this division 1709
remains subject to the provisions of sections 3314.07, 3314.072, 1710
and 3314.073 of the Revised Code. 1711

(F) If a community school fails to open for operation 1712
within one year after the contract entered into under this 1713
section is adopted pursuant to division (D) of section 3314.02 1714
of the Revised Code or permanently closes prior to the 1715
expiration of the contract, the contract shall be void and the 1716
school shall not enter into a contract with any other sponsor. A 1717
school shall not be considered permanently closed because the 1718
operations of the school have been suspended pursuant to section 1719
3314.072 of the Revised Code. 1720

Sec. 3314.19. The sponsor of each community school shall 1721
provide the following assurances in writing to the department of 1722
education not later than ten business days prior to the opening 1723
of the school's first year of operation or, if the school is not 1724
an internet- or computer-based community school and it changes 1725

the building from which it operates, the opening of the first 1726
year it operates from the new building: 1727

(A) That a current copy of the contract between the 1728
sponsor and the governing authority of the school entered into 1729
under section 3314.03 of the Revised Code has been filed with 1730
the department and that any subsequent modifications to that 1731
contract will be filed with the department; 1732

(B) That the school has submitted to the sponsor a plan 1733
for providing special education and related services to students 1734
with disabilities and has demonstrated the capacity to provide 1735
those services in accordance with Chapter 3323. of the Revised 1736
Code and federal law; 1737

(C) That the school has a plan and procedures for 1738
administering the achievement and diagnostic assessments 1739
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 1740
the Revised Code; 1741

(D) That school personnel have the necessary training, 1742
knowledge, and resources to properly use and submit information 1743
to all databases maintained by the department for the collection 1744
of education data, including the education management 1745
information system established under section 3301.0714 of the 1746
Revised Code in accordance with methods and timelines 1747
established under section 3314.17 of the Revised Code; 1748

(E) That all required information about the school has 1749
been submitted to the Ohio education directory system or any 1750
successor system; 1751

(F) That the school will enroll at least the minimum 1752
number of students required by division (A) (11) (a) of section 1753
3314.03 of the Revised Code in the school year for which the 1754

assurances are provided; 1755

(G) That all classroom teachers are licensed in accordance 1756
with sections 3319.22 to 3319.31 of the Revised Code, except for 1757
noncertificated persons engaged to teach up to twelve hours or 1758
forty hours per week pursuant to section 3319.301 of the Revised 1759
Code; 1760

(H) That the school's fiscal officer is in compliance with 1761
section 3314.011 of the Revised Code; 1762

(I) That the school has complied with sections 3319.39 and 1763
3319.391 of the Revised Code with respect to all employees and 1764
that the school has conducted a criminal records check of each 1765
of its governing authority members; 1766

(J) That the school holds all of the following: 1767

(1) Proof of property ownership or a lease for the 1768
facilities used by the school; 1769

(2) A certificate of occupancy; 1770

(3) Liability insurance for the school, as required by 1771
division (A) (11) (b) of section 3314.03 of the Revised Code, that 1772
the sponsor considers sufficient to indemnify the school's 1773
facilities, staff, and governing authority against risk; 1774

(4) A satisfactory health and safety inspection; 1775

(5) A satisfactory fire inspection; 1776

(6) A valid food permit, if applicable. 1777

(K) That the sponsor has conducted a pre-opening site 1778
visit to the school for the school year for which the assurances 1779
are provided; 1780

(L) That the school has designated a date it will open for 1781

the school year for which the assurances are provided that is in 1782
compliance with division (A) (25) of section 3314.03 of the 1783
Revised Code; 1784

(M) That the school has met all of the sponsor's 1785
requirements for opening and any other requirements of the 1786
sponsor. 1787

(N) That, for any school that operates using the blended 1788
learning model, as defined in section 3301.079 of the Revised 1789
Code, the sponsor has reviewed the following information, 1790
submitted by the school: 1791

(1) An indication of what blended learning model or models 1792
will be used; 1793

(2) A description of how student instructional needs will 1794
be determined and documented; 1795

(3) The method to be used for determining competency, 1796
granting credit, and promoting students to a higher grade level; 1797

(4) The school's attendance requirements, including how 1798
the school will document participation in learning 1799
opportunities; 1800

(5) A statement describing how student progress will be 1801
monitored; 1802

(6) A statement describing how private student data will 1803
be protected; 1804

(7) A description of the professional development 1805
activities that will be offered to teachers. 1806

Sec. 3317.037. (A) As used in this section: 1807

(1) "Contracting district" means a school district that 1808

has entered into a contract to provide career-technical 1809
education services that meet standards set by the state board of 1810
education to one or more other school districts. 1811

(2) "Career-technical planning district" has the same 1812
meaning as in section 3317.023 of the Revised Code. 1813

(3) "Home district" means any city, local, or exempted 1814
village school district that is also not a lead district or a 1815
contracting district. 1816

(4) "Lead district" means a lead district, as defined in 1817
section 3317.023 of the Revised Code, which is designated by the 1818
department of education to provide primary career-technical 1819
education leadership within a career-technical planning 1820
district. 1821

(B) For the purposes of maintaining student enrollment 1822
records under section 3317.03 of the Revised Code, the 1823
superintendent of each home district shall provide to the lead 1824
district or contracting district the attendance records for each 1825
student who receives career-technical education services 1826
provided by the lead district or contracting district in 1827
facilities operated by the student's home district. 1828

(C) Any lead district of a career-technical planning 1829
district may enter into an agreement with another school 1830
district within that career-technical planning district under 1831
which the lead district and the other school district may 1832
establish a method to determine the full-time equivalency for 1833
each student attending school in both districts for the purposes 1834
of calculating each district's enrollment under section 3317.03 1835
of the Revised Code. 1836

Sec. 3317.60. (A) (1) The department of education shall 1837

conduct a study that does both of the following: 1838

~~(a) Reviews the criteria used in the current school~~ 1839
~~funding formula to define "economically disadvantaged students"~~ 1840
~~in order to determine the effectiveness of the criteria~~ 1841
Evaluates and determines the essential types and amounts of 1842
resources needed to provide economically disadvantaged students 1843
the emotional, social, and academic services necessary to ensure 1844
adequate opportunities for success; 1845

~~(b) Researches how other states define "economically~~ 1846
~~disadvantaged students" and how "economically disadvantaged~~ 1847
~~students" are addressed in other states' school funding~~ 1848
~~formulas.~~ Evaluates and revises the current definition of 1849
"economically disadvantaged student." 1850

The department shall submit a report of its findings to 1851
the individuals prescribed in division (B) (1) of this section 1852
not later than December 31, ~~2020~~ 2021. 1853

(2) The department of education, in consultation with the 1854
department of job and family services and stakeholder groups 1855
determined appropriate by the department, shall prepare a report 1856
including both of the following: 1857

(a) A review of early child initiatives in Ohio, including 1858
preschool, head start, and other early learning opportunities 1859
for young children; 1860

(b) Information regarding how other states support early 1861
learning opportunities for young children. 1862

The department of education shall submit the report to the 1863
individuals prescribed in division (B) (2) of this section not 1864
later than December 31, 2020. 1865

(3) The department of education shall conduct an 1866
evaluation of all of the following topics regarding special 1867
education: 1868

(a) The categories of special education students specified 1869
under section 3317.013 of the Revised Code and the funding 1870
amounts corresponding to those categories; 1871

(b) Best practices for providing education to special 1872
education students; 1873

(c) Protocols for providing treatment to special education 1874
students; 1875

(d) Technology to enhance the provision of special 1876
education; 1877

(e) Costs of providing special education. 1878

The department shall submit a report of its findings and 1879
recommendations to the individuals prescribed in division (B)(1) 1880
of this section not later than December 31, 2021. 1881

(4) The department of education shall evaluate the current 1882
funding amounts and required services for all categories of 1883
English language learners described in section 3317.016 of the 1884
Revised Code. The department shall submit a report of its 1885
findings to the individuals prescribed in division (B)(1) of 1886
this section not later than December 31, 2021. 1887

(B)(1) The reports prepared under divisions (A)(1), (3), 1888
and (4) of this section shall be submitted to all of the 1889
following: 1890

(a) The chair, vice-chairperson, and ranking minority 1891
member of the finance committee of the house of representatives 1892
and the senate; 1893

(b) The chair, vice-chairperson, and ranking minority member of the finance subcommittees regarding primary and secondary education of the house of representatives and the senate; 1894
1895
1896
1897

(c) The chair, vice-chairperson, and ranking minority member of the standing committee of the house of representatives and the senate that consider legislation regarding primary and secondary education; 1898
1899
1900
1901

(d) The superintendent of public instruction; 1902

(e) The president of the state board of education. 1903

(2) The reports prepared under division (A) (2) of this section shall be submitted to all of the following: 1904
1905

~~(1)~~ (a) The president and minority leader of the senate; 1906

~~(2)~~ (b) The speaker and minority leader of the house of representatives; 1907
1908

~~(3)~~ (c) The members of the standing committees of the house of representatives and the senate that consider legislation regarding primary and secondary education. 1909
1910
1911

Sec. 3319.112. (A) The state board of education shall 1912
revise the standards-based state framework for the evaluation of 1913
teachers based on the recommendations of the educator standards 1914
board established under section 3319.60 of the Revised Code. The 1915
state board shall hold at least one public hearing on the 1916
revised framework and shall make the full text of the revised 1917
framework available at each hearing it holds on the revised 1918
framework. Not later than May 1, 2020, the state board shall 1919
adopt the revised framework. The state board may update the 1920
framework periodically by adoption of a resolution. The 1921

framework shall establish an evaluation system that does the 1922
following: 1923

(1) Provides for multiple evaluation factors; 1924

(2) Is aligned with the standards for teachers adopted 1925
under section 3319.61 of the Revised Code; 1926

(3) Requires observation of the teacher being evaluated, 1927
including at least two formal observations by the evaluator of 1928
at least thirty minutes each and classroom walk-throughs; 1929

(4) Assigns a rating on each evaluation in accordance with 1930
division (B) of this section; 1931

(5) Requires each teacher to be provided with a written 1932
report of the results of the teacher's evaluation; 1933

(6) Uses at least two measures of high-quality student 1934
data to provide evidence of student learning attributable to the 1935
teacher being evaluated. The state board shall define "high- 1936
quality student data" for this purpose. When applicable to the 1937
grade level or subject area taught by a teacher, high-quality 1938
student data shall include the value-added progress dimension 1939
established under section 3302.021 of the Revised Code, but the 1940
teacher or evaluator shall use at least one other measure of 1941
high-quality student data to demonstrate student learning. 1942

However, the value-added progress dimension or any other form of 1943
value-added data shall not be used as a measure of high-quality 1944
student data for an individual who is teaching career-technical 1945
education courses at any school district or joint vocational 1946
school district. Nor shall the value-added progress dimension or 1947
any other form of value-added data be used as a measure of high- 1948
quality student data for an individual who is teaching any other 1949
subject matter at a joint vocational school district. In 1950

accordance with the guidance described in division (D) (3) of	1951
this section, high-quality student data may be used as evidence	1952
in any component of the evaluation related to the following:	1953
(a) Knowledge of the students to whom the teacher provides	1954
instruction;	1955
(b) The teacher's use of differentiated instructional	1956
practices based on the needs or abilities of individual	1957
students;	1958
(c) Assessment of student learning;	1959
(d) The teacher's use of assessment data;	1960
(e) Professional responsibility and growth.	1961
(7) Prohibits the shared attribution of student	1962
performance data among all teachers in a district, building,	1963
grade, content area, or other group;	1964
(8) Includes development of a professional growth plan or	1965
improvement plan for the teacher that is based on the results of	1966
the evaluation and is aligned to any school district or building	1967
improvement plan required for the teacher's district or building	1968
under the "Elementary and Secondary Education Act of 1965," as	1969
amended by the "Every Student Succeeds Act of 2015," Pub. L. No.	1970
114-95, 20 U.S.C. 6301 et seq.;	1971
(9) Provides for professional development to accelerate	1972
and continue teacher growth and provide support to poorly	1973
performing teachers;	1974
(10) Provides for the allocation of financial resources to	1975
support professional development;	1976
(11) Prohibits the use of student learning objectives.	1977

(B) For purposes of the framework adopted under this section, the state board also shall do the following:	1978 1979
(1) Revise, as necessary, specific standards and criteria that distinguish between the following levels of performance for teachers and principals for the purpose of assigning ratings on the evaluations conducted under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code:	1980 1981 1982 1983 1984
(a) Accomplished;	1985
(b) Skilled;	1986
(c) Developing;	1987
(d) Ineffective.	1988
(2) Develop a list of student assessments that measure mastery of the course content for the appropriate grade level, which may include nationally normed standardized assessments, industry certification examinations, or end-of-course examinations. The data from these assessments may be considered high-quality student data.	1989 1990 1991 1992 1993 1994
(C) The state board shall consult with experts, teachers and principals employed in public schools, the educator standards board, and representatives of stakeholder groups in revising the standards and criteria required by division (B)(1) of this section.	1995 1996 1997 1998 1999
(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the department shall do all of the following:	2000 2001 2002 2003
(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;	2004 2005

(2) Provide technical assistance to districts in creating evaluation policies; 2006
2007

(3) Provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework adopted under this section; 2008
2009
2010
2011
2012

(4) Provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components determined appropriate by the district may be used as part of the evaluation process. 2013
2014
2015
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2017

(E) Not later than July 1, 2020, the state board, in consultation with state agencies that employ teachers, shall update its standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy to conform with the framework. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect ~~on the effective date of this amendment~~ November 2, 2018, and shall be included in any renewal or extension of such an agreement. However, this division does not apply to any person who is employed as a substitute teacher or as an instructor of adult education. 2018
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Sec. 3319.226. (A) Beginning July 1, 2019, the state board of education shall issue educator licenses for substitute teaching only under this section. 2031
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2033

(B) The state board shall adopt rules establishing 2034

standards and requirements for obtaining a license under this 2035
section and for renewal of the license. Except as provided in 2036
division (F) of section 3319.229 of the Revised Code, the rules 2037
shall require an applicant to hold a post-secondary degree, but 2038
not in any specified subject area. The rules also shall allow 2039
the holder of a license issued under this section to work: 2040

(1) For an unlimited number of school days if the license 2041
holder has a post-secondary degree in either education or a 2042
subject area directly related to the subject of the class the 2043
license holder will teach; 2044

(2) For one full semester, subject to the approval of the 2045
employing school district board of education, if the license 2046
holder has a post-secondary degree in a subject area that is not 2047
directly related to the subject of the class that the license 2048
holder will teach. 2049

The district superintendent may request that the board 2050
approve one or more additional subsequent semester-long periods 2051
of teaching for the license holder. 2052

(C) The rules adopted under division (B) of this section 2053
shall permit a substitute career-technical teaching license 2054
holder to teach outside the license holder's certified career 2055
field for up to one semester, subject to approval of the 2056
employing school district superintendent. 2057

(D) Any license issued or renewed under former section 2058
3319.226 of the Revised Code that was still in force on ~~the~~ 2059
~~effective date of this section~~ November 2, 2018, shall remain in 2060
force for the remainder of the term for which it was issued or 2061
renewed. Upon the expiration of that term, the holder of that 2062
license shall be subject to licensure under the rules adopted 2063

under this section. 2064

Sec. 3319.2211. (A) An individual who holds an adult 2065
education permit may be employed by any school district and 2066
shall not be limited to employment solely by the district that 2067
recommended and employed that individual at the time of the 2068
initial issuance of the individual's permit. 2069

(B) Notwithstanding anything to the contrary in section 2070
3319.226 of the Revised Code, an individual who holds an adult 2071
education permit issued by the state board of education may be 2072
assigned as a substitute teacher for any of grades nine through 2073
twelve, in the same manner as the holder of a substitute career- 2074
technical teaching license issued under section 3319.226 of the 2075
Revised Code, to teach courses offered by the individual's 2076
employing district. 2077

Sec. 3319.301. (A) As used in this ~~section,~~ section: 2078

(1) "Dropout recovery community school" means a community 2079
school established under Chapter 3314. of the Revised Code in 2080
which a majority of the students are enrolled in a dropout 2081
prevention and recovery program that is operated by the school. 2082

(2) "Industry-recognized credential program" means a 2083
career-technical course in which a student may earn an industry- 2084
recognized credential approved under section 3313.6113 of the 2085
Revised Code. 2086

(3) "STEM school" means a science, technology, 2087
engineering, and mathematics school established under Chapter 2088
3326. of the Revised Code. 2089

(B) The state board of education shall issue permits to 2090
individuals who are not licensed as required by sections 3319.22 2091
to 3319.30 of the Revised Code, but who are otherwise qualified, 2092

to teach classes for not more than a total of twelve hours a 2093
week, except that an individual teaching in a STEM school or an 2094
individual teaching an industry-recognized credential program 2095
offered at a dropout recovery community school may teach classes 2096
for not more than a total of forty hours a week. The state 2097
board, by rule, shall set forth the qualifications, other than 2098
licensure under sections 3319.22 to 3319.30 of the Revised Code, 2099
to be met by individuals in order to be issued a permit as 2100
provided in this section. Such qualifications shall include the 2101
possession of a baccalaureate, master's, or doctoral degree in, 2102
or significant experience related to, the subject the individual 2103
is to teach. For an individual assigned to teach a career- 2104
technical class, significant experience related to a subject 2105
shall include career-technical experience. Applications for 2106
permits pursuant to this section shall be made in accordance 2107
with section 3319.29 of the Revised Code. A permit issued under 2108
this section shall be renewable. 2109

The state board, by rule, shall authorize the board of 2110
education of each school district and each STEM school to engage 2111
individuals holding permits issued under this section to teach 2112
classes for not more than the total number of hours a week 2113
specified in the permit. The rules shall include provisions with 2114
regard to each of the following: 2115

(1) That a board of education or STEM school shall engage 2116
a nonlicensed individual to teach pursuant to this section on a 2117
volunteer basis, or by entering into a contract with the 2118
individual or the individual's employer on such terms and 2119
conditions as are agreed to between the board or school and the 2120
individual or the individual's employer; 2121

(2) That an employee of the board of education or STEM 2122

school who is licensed under sections 3319.22 to 3319.30 of the 2123
Revised Code shall directly supervise a nonlicensed individual 2124
who is engaged to teach pursuant to this section until the 2125
superintendent of the school district or the chief 2126
administrative officer of the STEM school is satisfied that the 2127
nonlicensed individual has sufficient understanding of, and 2128
experience in, effective teaching methods to teach without 2129
supervision. 2130

(C) A nonlicensed individual engaged to teach pursuant to 2131
this section is a teacher for the purposes of Title XXXIII of 2132
the Revised Code except for the purposes of Chapters 3307. and 2133
3317. and sections 3319.07 to 3319.31 of the Revised Code. Such 2134
an individual is not an employee of the board of education or 2135
STEM school for the purpose of Titles I or XLI or Chapter 3309. 2136
of the Revised Code. 2137

(D) Students enrolled in a class taught by a nonlicensed 2138
individual pursuant to this section and rules adopted thereunder 2139
shall receive the same credit as if the class had been taught by 2140
an employee licensed pursuant to sections 3319.22 to 3319.30 of 2141
the Revised Code. 2142

(E) No board of education of any school district shall 2143
engage any one or more nonlicensed individuals if such 2144
employment displaces from employment an existing licensed 2145
employee of the district. 2146

Sec. 3326.032. (A) The STEM committee may grant a 2147
designation of STEM school equivalent to a community school 2148
established under Chapter 3314. of the Revised Code, to a career 2149
center, or to a chartered nonpublic school. In order to be 2150
eligible for this designation, a community school, a career 2151
center, or chartered nonpublic school shall submit a proposal 2152

that satisfies the requirements of this section. 2153

The committee shall determine the criteria for proposals, 2154
establish procedures for the submission of proposals, accept and 2155
evaluate proposals, and choose which proposals warrant a 2156
community school, career center, or chartered nonpublic school 2157
to be designated as a STEM school equivalent. 2158

(B) A proposal for designation as a STEM school equivalent 2159
shall include at least the following: 2160

(1) Assurances that the community school, career center, 2161
or chartered nonpublic school submitting the proposal has a 2162
working partnership with both public and private entities, 2163
including higher education entities and business organizations. 2164
If the proposal is for a STEAM school equivalent, it also shall 2165
include evidence that this partnership includes arts 2166
organizations. 2167

(2) Assurances that the school or career center submitting 2168
the proposal will operate in compliance with this section and 2169
the provisions of the proposal as accepted by the committee; 2170

(3) Evidence that the school or career center submitting 2171
the proposal will offer a rigorous, diverse, integrated, and 2172
project-based curriculum to students in any of grades 2173
kindergarten through twelve, with the goal to prepare those 2174
students for college, the workforce, and citizenship, and that 2175
does all of the following: 2176

(a) Emphasizes the role of science, technology, 2177
engineering, and mathematics in promoting innovation and 2178
economic progress; 2179

(b) Incorporates scientific inquiry and technological 2180
design; 2181

(c) Includes the arts and humanities. If the proposal is 2182
for a STEAM school equivalent, it also shall include evidence 2183
that the curriculum will integrate arts and design into the 2184
study of science, technology, engineering, and mathematics to 2185
foster creative thinking, problem-solving, and new approaches to 2186
scientific invention. 2187

(d) Emphasizes personalized learning and teamwork skills. 2188

(4) Evidence that the school or career center submitting 2189
the proposal will attract school leaders who support the 2190
curriculum principles of division (B)(3) of this section; 2191

(5) A description of how each school's or career center's 2192
curriculum will be developed and approved in accordance with 2193
section 3326.09 of the Revised Code; 2194

(6) Evidence that the school or career center submitting 2195
the proposal will utilize an established capacity to capture and 2196
share knowledge for best practices and innovative professional 2197
development; 2198

(7) Assurances that the school or career center submitting 2199
the proposal has received commitments of sustained and 2200
verifiable fiscal and in-kind support from regional education 2201
and business entities. If the proposal is for a STEAM school 2202
equivalent, it also shall include assurances that the school or 2203
career center has received commitments of sustained and 2204
verifiable fiscal and in-kind support from arts organizations. 2205

(C)(1) A community school, career center, or chartered 2206
nonpublic school that is designated as a STEM school equivalent 2207
under this section shall not be subject to the requirements of 2208
Chapter 3326. of the Revised Code, except that the school or 2209
career center shall be subject to the requirements of this 2210

section and to the curriculum requirements of section 3326.09 of 2211
the Revised Code. 2212

Nothing in this section, however, shall relieve a 2213
community school of the applicable requirements of Chapter 3314. 2214
of the Revised Code. Nor shall anything in this section relieve 2215
a chartered nonpublic school of any provisions of law outside of 2216
this chapter that are applicable to chartered nonpublic schools. 2217

(2) A community school, career center, or chartered 2218
nonpublic school that is designated as a STEM school equivalent 2219
under this section shall not be eligible for operating funding 2220
under sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 2221
3326.51 of the Revised Code. 2222

(3) A community school, career center, or chartered 2223
nonpublic school that is designated as a STEM school equivalent 2224
under this section may apply for any of the grants and 2225
additional funds described in section 3326.38 of the Revised 2226
Code for which the school or career center is eligible. 2227

(D) If a community school, a career center, or chartered 2228
nonpublic school that is designated as a STEM school equivalent 2229
under this section intends to close or intends to no longer be 2230
designated as a STEM school equivalent, it shall notify the STEM 2231
committee of that fact. 2232

(E) If a community school, a career center, or chartered 2233
nonpublic school that is designated as a STEM school equivalent 2234
wishes to be designated as a STEAM school equivalent, it may 2235
change its existing proposal to include the items required under 2236
divisions (B) (1), (B) (3) (c), and (B) (7) of this section and 2237
submit the revised proposal to the STEM committee for approval. 2238

(F) As used in this section, "career center" means a 2239

school building that enrolls students in any of grades nine 2240
through twelve and in which a career-technical planning 2241
district, as defined in section 3317.023 of the Revised Code, 2242
provides career-technical education services that meet standards 2243
adopted by the state board of education. 2244

Sec. 3326.17. (A) The department of education shall issue 2245
an annual report card for each science, technology, engineering, 2246
and mathematics school that includes all information applicable 2247
to school buildings under section 3302.03 of the Revised Code. 2248

(B) ~~For~~ Beginning with the report cards issued for the 2249
2019-2020 school year, for each student enrolled in a STEM 2250
school that is not a STEM school governed by a STEM school 2251
sponsoring district, as defined in section 3326.51 of the 2252
Revised Code, the department shall combine data regarding the 2253
academic performance of that student with comparable data from 2254
the school district in which the student is entitled to attend 2255
school pursuant to section 3313.64 or 3313.65 of the Revised 2256
Code for the purpose of calculating the performance of the 2257
district as a whole on the report card issued for the district 2258
under section 3302.03 of the Revised Code. 2259

(C) The department also shall compute a rating for each 2260
group of STEM schools that is under the direction of the same 2261
governing body, as authorized under section 3326.031 of the 2262
Revised Code, and issue a distinct report card for the group as 2263
a whole. 2264

(D) Each STEM school and its governing body shall comply 2265
with sections 3302.04 and 3302.041 of the Revised Code, except 2266
that any action required to be taken by a school district 2267
pursuant to those sections shall be taken by the school. 2268
However, the school shall not be required to take any action 2269

described in division (F) of section 3302.04 of the Revised Code. 2270
2271

Sec. 5709.62. (A) In any municipal corporation that is 2272
defined by the United States office of management and budget as 2273
a principal city of a metropolitan statistical area, the 2274
legislative authority of the municipal corporation may designate 2275
one or more areas within its municipal corporation as proposed 2276
enterprise zones. Upon designating an area, the legislative 2277
authority shall petition the director of development services 2278
for certification of the area as having the characteristics set 2279
forth in division (A)(1) of section 5709.61 of the Revised Code 2280
as amended by Substitute Senate Bill No. 19 of the 120th general 2281
assembly. Except as otherwise provided in division (E) of this 2282
section, on and after July 1, 1994, legislative authorities 2283
shall not enter into agreements under this section unless the 2284
legislative authority has petitioned the director and the 2285
director has certified the zone under this section as amended by 2286
that act; however, all agreements entered into under this 2287
section as it existed prior to July 1, 1994, and the incentives 2288
granted under those agreements shall remain in effect for the 2289
period agreed to under those agreements. Within sixty days after 2290
receiving such a petition, the director shall determine whether 2291
the area has the characteristics set forth in division (A)(1) of 2292
section 5709.61 of the Revised Code, and shall forward the 2293
findings to the legislative authority of the municipal 2294
corporation. If the director certifies the area as having those 2295
characteristics, and thereby certifies it as a zone, the 2296
legislative authority may enter into an agreement with an 2297
enterprise under division (C) of this section. 2298

(B) Any enterprise that wishes to enter into an agreement 2299
with a municipal corporation under division (C) of this section 2300

shall submit a proposal to the legislative authority of the 2301
municipal corporation on a form prescribed by the director of 2302
development services, together with the application fee 2303
established under section 5709.68 of the Revised Code. The form 2304
shall require the following information: 2305

(1) An estimate of the number of new employees whom the 2306
enterprise intends to hire, or of the number of employees whom 2307
the enterprise intends to retain, within the zone at a facility 2308
that is a project site, and an estimate of the amount of payroll 2309
of the enterprise attributable to these employees; 2310

(2) An estimate of the amount to be invested by the 2311
enterprise to establish, expand, renovate, or occupy a facility, 2312
including investment in new buildings, additions or improvements 2313
to existing buildings, machinery, equipment, furniture, 2314
fixtures, and inventory; 2315

(3) A listing of the enterprise's current investment, if 2316
any, in a facility as of the date of the proposal's submission. 2317

The enterprise shall review and update the listings 2318
required under this division to reflect material changes, and 2319
any agreement entered into under division (C) of this section 2320
shall set forth final estimates and listings as of the time the 2321
agreement is entered into. The legislative authority may, on a 2322
separate form and at any time, require any additional 2323
information necessary to determine whether an enterprise is in 2324
compliance with an agreement and to collect the information 2325
required to be reported under section 5709.68 of the Revised 2326
Code. 2327

(C) Upon receipt and investigation of a proposal under 2328
division (B) of this section, if the legislative authority finds 2329

that the enterprise submitting the proposal is qualified by 2330
financial responsibility and business experience to create and 2331
preserve employment opportunities in the zone and improve the 2332
economic climate of the municipal corporation, the legislative 2333
authority may do one of the following: 2334

(1) Enter into an agreement with the enterprise under 2335
which the enterprise agrees to establish, expand, renovate, or 2336
occupy a facility and hire new employees, or preserve employment 2337
opportunities for existing employees, in return for one or more 2338
of the following incentives: 2339

(a) Exemption for a specified number of years, not to 2340
exceed fifteen, of a specified portion, up to seventy-five per 2341
cent, of the assessed value of tangible personal property first 2342
used in business at the project site as a result of the 2343
agreement. If an exemption for inventory is specifically granted 2344
in the agreement pursuant to this division, the exemption 2345
applies to inventory required to be listed pursuant to sections 2346
5711.15 and 5711.16 of the Revised Code, except that, in the 2347
instance of an expansion or other situations in which an 2348
enterprise was in business at the facility prior to the 2349
establishment of the zone, the inventory that is exempt is that 2350
amount or value of inventory in excess of the amount or value of 2351
inventory required to be listed in the personal property tax 2352
return of the enterprise in the return for the tax year in which 2353
the agreement is entered into. 2354

(b) Exemption for a specified number of years, not to 2355
exceed fifteen, of a specified portion, up to seventy-five per 2356
cent, of the increase in the assessed valuation of real property 2357
constituting the project site subsequent to formal approval of 2358
the agreement by the legislative authority; 2359

(c) Provision for a specified number of years, not to exceed fifteen, of any optional services or assistance that the municipal corporation is authorized to provide with regard to the project site.

(2) Enter into an agreement under which the enterprise agrees to remediate an environmentally contaminated facility, to spend an amount equal to at least two hundred fifty per cent of the true value in money of the real property of the facility prior to remediation as determined for the purposes of property taxation to establish, expand, renovate, or occupy the remediated facility, and to hire new employees or preserve employment opportunities for existing employees at the remediated facility, in return for one or more of the following incentives:

(a) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed fifty per cent, of the assessed valuation of the real property of the facility prior to remediation;

(b) Exemption for a specified number of years, not to exceed fifteen, of a specified portion, not to exceed one hundred per cent, of the increase in the assessed valuation of the real property of the facility during or after remediation;

(c) The incentive under division (C) (1) (a) of this section, except that the percentage of the assessed value of such property exempted from taxation shall not exceed one hundred per cent;

(d) The incentive under division (C) (1) (c) of this section.

(3) Enter into an agreement with an enterprise that plans

to purchase and operate a large manufacturing facility that has 2389
ceased operation or announced its intention to cease operation, 2390
in return for exemption for a specified number of years, not to 2391
exceed fifteen, of a specified portion, up to one hundred per 2392
cent, of the assessed value of tangible personal property used 2393
in business at the project site as a result of the agreement, or 2394
of the assessed valuation of real property constituting the 2395
project site, or both. 2396

(D) (1) Notwithstanding divisions (C) (1) (a) and (b) of this 2397
section, the portion of the assessed value of tangible personal 2398
property or of the increase in the assessed valuation of real 2399
property exempted from taxation under those divisions may exceed 2400
seventy-five per cent in any year for which that portion is 2401
exempted if the average percentage exempted for all years in 2402
which the agreement is in effect does not exceed sixty per cent, 2403
or if the board of education of the city, local, or exempted 2404
village school district within the territory of which the 2405
property is or will be located approves a percentage in excess 2406
of seventy-five per cent. 2407

(2) Notwithstanding any provision of the Revised Code to 2408
the contrary, the exemptions described in divisions (C) (1) (a), 2409
(b), and (c), (C) (2) (a), (b), and (c), and (C) (3) of this 2410
section may be for up to fifteen years if the board of education 2411
of the city, local, or exempted village school district within 2412
the territory of which the property is or will be located 2413
approves a number of years in excess of ten. 2414

(3) For the purpose of obtaining the approval of a city, 2415
local, or exempted village school district under division (D) (1) 2416
or (2) of this section, the legislative authority shall deliver 2417
to the board of education a notice not later than forty-five 2418

days prior to approving the agreement, excluding Saturdays, 2419
Sundays, and legal holidays as defined in section 1.14 of the 2420
Revised Code. The notice shall state the percentage to be 2421
exempted, an estimate of the true value of the property to be 2422
exempted, and the number of years the property is to be 2423
exempted. The board of education, by resolution adopted by a 2424
majority of the board, shall approve or disapprove the agreement 2425
and certify a copy of the resolution to the legislative 2426
authority not later than fourteen days prior to the date 2427
stipulated by the legislative authority as the date upon which 2428
approval of the agreement is to be formally considered by the 2429
legislative authority. The board of education may include in the 2430
resolution conditions under which the board would approve the 2431
agreement, including the execution of an agreement to compensate 2432
the school district under division (B) of section 5709.82 of the 2433
Revised Code. The legislative authority may approve the 2434
agreement at any time after the board of education certifies its 2435
resolution approving the agreement to the legislative authority, 2436
or, if the board approves the agreement conditionally, at any 2437
time after the conditions are agreed to by the board and the 2438
legislative authority. If an agreement is negotiated between the 2439
legislative authority and the board to compensate the school 2440
district for all or part of the taxes exempted, the legislative 2441
authority shall compensate the joint vocational school district 2442
within which the property is located at the same rate and under 2443
the same terms received by the city, local, or exempted village 2444
school district. 2445

If a board of education has adopted a resolution waiving 2446
its right to approve agreements and the resolution remains in 2447
effect, approval of an agreement by the board is not required 2448
under this division. If a board of education has adopted a 2449

resolution allowing a legislative authority to deliver the 2450
notice required under this division fewer than forty-five 2451
business days prior to the legislative authority's approval of 2452
the agreement, the legislative authority shall deliver the 2453
notice to the board not later than the number of days prior to 2454
such approval as prescribed by the board in its resolution. If a 2455
board of education adopts a resolution waiving its right to 2456
approve agreements or shortening the notification period, the 2457
board shall certify a copy of the resolution to the legislative 2458
authority. If the board of education rescinds such a resolution, 2459
it shall certify notice of the rescission to the legislative 2460
authority. 2461

(4) The legislative authority shall comply with section 2462
5709.83 of the Revised Code unless the board of education has 2463
adopted a resolution under that section waiving its right to 2464
receive such notice. 2465

(E) This division applies to zones certified by the 2466
director of development services under this section prior to 2467
July 22, 1994. 2468

The legislative authority that designated a zone to which 2469
this division applies may enter into an agreement with an 2470
enterprise if the legislative authority finds that the 2471
enterprise satisfies one of the criteria described in divisions 2472
(E)(1) to (5) of this section: 2473

(1) The enterprise currently has no operations in this 2474
state and, subject to approval of the agreement, intends to 2475
establish operations in the zone; 2476

(2) The enterprise currently has operations in this state 2477
and, subject to approval of the agreement, intends to establish 2478

operations at a new location in the zone that would not result 2479
in a reduction in the number of employee positions at any of the 2480
enterprise's other locations in this state; 2481

(3) The enterprise, subject to approval of the agreement, 2482
intends to relocate operations, currently located in another 2483
state, to the zone; 2484

(4) The enterprise, subject to approval of the agreement, 2485
intends to expand operations at an existing site in the zone 2486
that the enterprise currently operates; 2487

(5) The enterprise, subject to approval of the agreement, 2488
intends to relocate operations, currently located in this state, 2489
to the zone, and the director of development services has issued 2490
a waiver for the enterprise under division (B) of section 2491
5709.633 of the Revised Code. 2492

The agreement shall require the enterprise to agree to 2493
establish, expand, renovate, or occupy a facility in the zone 2494
and hire new employees, or preserve employment opportunities for 2495
existing employees, in return for one or more of the incentives 2496
described in division (C) of this section. 2497

(F) All agreements entered into under this section shall 2498
be in the form prescribed under section 5709.631 of the Revised 2499
Code. After an agreement is entered into under this section, if 2500
the legislative authority revokes its designation of a zone, or 2501
if the director of development services revokes a zone's 2502
certification, any entitlements granted under the agreement 2503
shall continue for the number of years specified in the 2504
agreement. 2505

(G) Except as otherwise provided in this division, an 2506
agreement entered into under this section shall require that the 2507

enterprise pay an annual fee equal to the greater of one per 2508
cent of the dollar value of incentives offered under the 2509
agreement or five hundred dollars; provided, however, that if 2510
the value of the incentives exceeds two hundred fifty thousand 2511
dollars, the fee shall not exceed two thousand five hundred 2512
dollars. The fee shall be payable to the legislative authority 2513
once per year for each year the agreement is effective on the 2514
days and in the form specified in the agreement. Fees paid shall 2515
be deposited in a special fund created for such purpose by the 2516
legislative authority and shall be used by the legislative 2517
authority exclusively for the purpose of complying with section 2518
5709.68 of the Revised Code and by the tax incentive review 2519
council created under section 5709.85 of the Revised Code 2520
exclusively for the purposes of performing the duties prescribed 2521
under that section. The legislative authority may waive or 2522
reduce the amount of the fee charged against an enterprise, but 2523
such a waiver or reduction does not affect the obligations of 2524
the legislative authority or the tax incentive review council to 2525
comply with section 5709.68 or 5709.85 of the Revised Code. 2526

(H) When an agreement is entered into pursuant to this 2527
section, the legislative authority authorizing the agreement 2528
shall forward a copy of the agreement to the director of 2529
development services and to the tax commissioner within fifteen 2530
days after the agreement is entered into. If any agreement 2531
includes terms not provided for in section 5709.631 of the 2532
Revised Code affecting the revenue of a city, local, ~~or~~ exempted 2533
village, or joint vocational school district or causing revenue 2534
to be forgone by the district, including any compensation to be 2535
paid to the school district pursuant to section 5709.82 of the 2536
Revised Code, those terms also shall be forwarded in writing to 2537
the director of development services along with the copy of the 2538

agreement forwarded under this division. 2539

(I) After an agreement is entered into, the enterprise 2540
shall file with each personal property tax return required to be 2541
filed, or annual report required to be filed under section 2542
5727.08 of the Revised Code, while the agreement is in effect, 2543
an informational return, on a form prescribed by the tax 2544
commissioner for that purpose, setting forth separately the 2545
property, and related costs and values, exempted from taxation 2546
under the agreement. 2547

(J) Enterprises may agree to give preference to residents 2548
of the zone within which the agreement applies relative to 2549
residents of this state who do not reside in the zone when 2550
hiring new employees under the agreement. 2551

(K) An agreement entered into under this section may 2552
include a provision requiring the enterprise to create one or 2553
more temporary internship positions for students enrolled in a 2554
course of study at a school or other educational institution in 2555
the vicinity, and to create a scholarship or provide another 2556
form of educational financial assistance for students holding 2557
such a position in exchange for the student's commitment to work 2558
for the enterprise at the completion of the internship. 2559

(L) The tax commissioner's authority in determining the 2560
accuracy of any exemption granted by an agreement entered into 2561
under this section is limited to divisions (C) (1) (a) and (b), 2562
(C) (2) (a), (b), and (c), (C) (3), (D), and (I) of this section 2563
and divisions (B) (1) to (10) of section 5709.631 of the Revised 2564
Code and, as authorized by law, to enforcing any modification 2565
to, or revocation of, that agreement by the legislative 2566
authority of a municipal corporation or the director of 2567
development services. 2568

Sec. 5709.63. (A) With the consent of the legislative 2569
authority of each affected municipal corporation or of a board 2570
of township trustees, a board of county commissioners may, in 2571
the manner set forth in section 5709.62 of the Revised Code, 2572
designate one or more areas in one or more municipal 2573
corporations or in unincorporated areas of the county as 2574
proposed enterprise zones. A board of county commissioners may 2575
designate no more than one area within a township, or within 2576
adjacent townships, as a proposed enterprise zone. The board 2577
shall petition the director of development services for 2578
certification of the area as having the characteristics set 2579
forth in division (A) (1) or (2) of section 5709.61 of the 2580
Revised Code as amended by Substitute Senate Bill No. 19 of the 2581
120th general assembly. Except as otherwise provided in division 2582
(D) of this section, on and after July 1, 1994, boards of county 2583
commissioners shall not enter into agreements under this section 2584
unless the board has petitioned the director and the director 2585
has certified the zone under this section as amended by that 2586
act; however, all agreements entered into under this section as 2587
it existed prior to July 1, 1994, and the incentives granted 2588
under those agreements shall remain in effect for the period 2589
agreed to under those agreements. The director shall make the 2590
determination in the manner provided under section 5709.62 of 2591
the Revised Code. 2592

Any enterprise wishing to enter into an agreement with the 2593
board under division (B) or (D) of this section shall submit a 2594
proposal to the board on the form and accompanied by the 2595
application fee prescribed under division (B) of section 5709.62 2596
of the Revised Code. The enterprise shall review and update the 2597
estimates and listings required by the form in the manner 2598
required under that division. The board may, on a separate form 2599

and at any time, require any additional information necessary to 2600
determine whether an enterprise is in compliance with an 2601
agreement and to collect the information required to be reported 2602
under section 5709.68 of the Revised Code. 2603

(B) If the board of county commissioners finds that an 2604
enterprise submitting a proposal is qualified by financial 2605
responsibility and business experience to create and preserve 2606
employment opportunities in the zone and to improve the economic 2607
climate of the municipal corporation or municipal corporations 2608
or the unincorporated areas in which the zone is located and to 2609
which the proposal applies, the board, with the consent of the 2610
legislative authority of each affected municipal corporation or 2611
of the board of township trustees, may do either of the 2612
following: 2613

(1) Enter into an agreement with the enterprise under 2614
which the enterprise agrees to establish, expand, renovate, or 2615
occupy a facility in the zone and hire new employees, or 2616
preserve employment opportunities for existing employees, in 2617
return for the following incentives: 2618

(a) When the facility is located in a municipal 2619
corporation, the board may enter into an agreement for one or 2620
more of the incentives provided in division (C) of section 2621
5709.62 of the Revised Code, subject to division (D) of that 2622
section; 2623

(b) When the facility is located in an unincorporated 2624
area, the board may enter into an agreement for one or more of 2625
the following incentives: 2626

(i) Exemption for a specified number of years, not to 2627
exceed fifteen, of a specified portion, up to sixty per cent, of 2628

the assessed value of tangible personal property first used in 2629
business at a project site as a result of the agreement. If an 2630
exemption for inventory is specifically granted in the agreement 2631
pursuant to this division, the exemption applies to inventory 2632
required to be listed pursuant to sections 5711.15 and 5711.16 2633
of the Revised Code, except, in the instance of an expansion or 2634
other situations in which an enterprise was in business at the 2635
facility prior to the establishment of the zone, the inventory 2636
that is exempt is that amount or value of inventory in excess of 2637
the amount or value of inventory required to be listed in the 2638
personal property tax return of the enterprise in the return for 2639
the tax year in which the agreement is entered into. 2640

(ii) Exemption for a specified number of years, not to 2641
exceed fifteen, of a specified portion, up to sixty per cent, of 2642
the increase in the assessed valuation of real property 2643
constituting the project site subsequent to formal approval of 2644
the agreement by the board; 2645

(iii) Provision for a specified number of years, not to 2646
exceed fifteen, of any optional services or assistance the board 2647
is authorized to provide with regard to the project site; 2648

(iv) The incentive described in division (C) (2) of section 2649
5709.62 of the Revised Code. 2650

(2) Enter into an agreement with an enterprise that plans 2651
to purchase and operate a large manufacturing facility that has 2652
ceased operation or has announced its intention to cease 2653
operation, in return for exemption for a specified number of 2654
years, not to exceed fifteen, of a specified portion, up to one 2655
hundred per cent, of tangible personal property used in business 2656
at the project site as a result of the agreement, or of real 2657
property constituting the project site, or both. 2658

(C) (1) (a) Notwithstanding divisions (B) (1) (b) (i) and (ii) 2659
of this section, the portion of the assessed value of tangible 2660
personal property or of the increase in the assessed valuation 2661
of real property exempted from taxation under those divisions 2662
may exceed sixty per cent in any year for which that portion is 2663
exempted if the average percentage exempted for all years in 2664
which the agreement is in effect does not exceed fifty per cent, 2665
or if the board of education of the city, local, or exempted 2666
village school district within the territory of which the 2667
property is or will be located approves a percentage in excess 2668
of sixty per cent. 2669

(b) Notwithstanding any provision of the Revised Code to 2670
the contrary, the exemptions described in divisions (B) (1) (b) 2671
(i), (ii), (iii), and (iv) and (B) (2) of this section may be for 2672
up to fifteen years if the board of education of the city, 2673
local, or exempted village school district within the territory 2674
of which the property is or will be located approves a number of 2675
years in excess of ten. 2676

(c) For the purpose of obtaining the approval of a city, 2677
local, or exempted village school district under division (C) (1) 2678
(a) or (b) of this section, the board of county commissioners 2679
shall deliver to the board of education a notice not later than 2680
forty-five days prior to approving the agreement, excluding 2681
Saturdays, Sundays, and legal holidays as defined in section 2682
1.14 of the Revised Code. The notice shall state the percentage 2683
to be exempted, an estimate of the true value of the property to 2684
be exempted, and the number of years the property is to be 2685
exempted. The board of education, by resolution adopted by a 2686
majority of the board, shall approve or disapprove the agreement 2687
and certify a copy of the resolution to the board of county 2688
commissioners not later than fourteen days prior to the date 2689

stipulated by the board of county commissioners as the date upon 2690
which approval of the agreement is to be formally considered by 2691
the board of county commissioners. The board of education may 2692
include in the resolution conditions under which the board would 2693
approve the agreement, including the execution of an agreement 2694
to compensate the school district under division (B) of section 2695
5709.82 of the Revised Code. The board of county commissioners 2696
may approve the agreement at any time after the board of 2697
education certifies its resolution approving the agreement to 2698
the board of county commissioners, or, if the board of education 2699
approves the agreement conditionally, at any time after the 2700
conditions are agreed to by the board of education and the board 2701
of county commissioners. If an agreement is negotiated between 2702
the legislative authority and the board to compensate the school 2703
district for all or part of the taxes exempted, the legislative 2704
authority shall compensate the joint vocational school district 2705
within which the property is located at the same rate and under 2706
the same terms received by the city, local, or exempted village 2707
school district. 2708

If a board of education has adopted a resolution waiving 2709
its right to approve agreements and the resolution remains in 2710
effect, approval of an agreement by the board of education is 2711
not required under division (C) of this section. If a board of 2712
education has adopted a resolution allowing a board of county 2713
commissioners to deliver the notice required under this division 2714
fewer than forty-five business days prior to approval of the 2715
agreement by the board of county commissioners, the board of 2716
county commissioners shall deliver the notice to the board of 2717
education not later than the number of days prior to such 2718
approval as prescribed by the board of education in its 2719
resolution. If a board of education adopts a resolution waiving 2720

its right to approve agreements or shortening the notification 2721
period, the board of education shall certify a copy of the 2722
resolution to the board of county commissioners. If the board of 2723
education rescinds such a resolution, it shall certify notice of 2724
the rescission to the board of county commissioners. 2725

(2) The board of county commissioners shall comply with 2726
section 5709.83 of the Revised Code unless the board of 2727
education has adopted a resolution under that section waiving 2728
its right to receive such notice. 2729

(D) This division applies to zones certified by the 2730
director of development services under this section prior to 2731
July 22, 1994. 2732

With the consent of the legislative authority of each 2733
affected municipal corporation or board of township trustees of 2734
each affected township, the board of county commissioners that 2735
designated a zone to which this division applies may enter into 2736
an agreement with an enterprise if the board finds that the 2737
enterprise satisfies one of the criteria described in divisions 2738
(D) (1) to (5) of this section: 2739

(1) The enterprise currently has no operations in this 2740
state and, subject to approval of the agreement, intends to 2741
establish operations in the zone; 2742

(2) The enterprise currently has operations in this state 2743
and, subject to approval of the agreement, intends to establish 2744
operations at a new location in the zone that would not result 2745
in a reduction in the number of employee positions at any of the 2746
enterprise's other locations in this state; 2747

(3) The enterprise, subject to approval of the agreement, 2748
intends to relocate operations, currently located in another 2749

state, to the zone; 2750

(4) The enterprise, subject to approval of the agreement, 2751
intends to expand operations at an existing site in the zone 2752
that the enterprise currently operates; 2753

(5) The enterprise, subject to approval of the agreement, 2754
intends to relocate operations, currently located in this state, 2755
to the zone, and the director of development services has issued 2756
a waiver for the enterprise under division (B) of section 2757
5709.633 of the Revised Code. 2758

The agreement shall require the enterprise to agree to 2759
establish, expand, renovate, or occupy a facility in the zone 2760
and hire new employees, or preserve employment opportunities for 2761
existing employees, in return for one or more of the incentives 2762
described in division (B) of this section. 2763

(E) All agreements entered into under this section shall 2764
be in the form prescribed under section 5709.631 of the Revised 2765
Code. After an agreement under this section is entered into, if 2766
the board of county commissioners revokes its designation of a 2767
zone, or if the director of development services revokes a 2768
zone's certification, any entitlements granted under the 2769
agreement shall continue for the number of years specified in 2770
the agreement. 2771

(F) Except as otherwise provided in this division, an 2772
agreement entered into under this section shall require that the 2773
enterprise pay an annual fee equal to the greater of one per 2774
cent of the dollar value of incentives offered under the 2775
agreement or five hundred dollars; provided, however, that if 2776
the value of the incentives exceeds two hundred fifty thousand 2777
dollars, the fee shall not exceed two thousand five hundred 2778

dollars. The fee shall be payable to the board of county commissioners once per year for each year the agreement is effective on the days and in the form specified in the agreement. Fees paid shall be deposited in a special fund created for such purpose by the board and shall be used by the board exclusively for the purpose of complying with section 5709.68 of the Revised Code and by the tax incentive review council created under section 5709.85 of the Revised Code exclusively for the purposes of performing the duties prescribed under that section. The board may waive or reduce the amount of the fee charged against an enterprise, but such waiver or reduction does not affect the obligations of the board or the tax incentive review council to comply with section 5709.68 or 5709.85 of the Revised Code, respectively.

(G) With the approval of the legislative authority of a municipal corporation or the board of township trustees of a township in which a zone is designated under division (A) of this section, the board of county commissioners may delegate to that legislative authority or board any powers and duties of the board of county commissioners to negotiate and administer agreements with regard to that zone under this section.

(H) When an agreement is entered into pursuant to this section, the board of county commissioners authorizing the agreement or the legislative authority or board of township trustees that negotiates and administers the agreement shall forward a copy of the agreement to the director of development services and to the tax commissioner within fifteen days after the agreement is entered into. If any agreement includes terms not provided for in section 5709.631 of the Revised Code affecting the revenue of a city, local, ~~or~~-exempted village, or joint vocational school district or causing revenue to be

foregone by the district, including any compensation to be paid 2810
to the school district pursuant to section 5709.82 of the 2811
Revised Code, those terms also shall be forwarded in writing to 2812
the director of development services along with the copy of the 2813
agreement forwarded under this division. 2814

(I) After an agreement is entered into, the enterprise 2815
shall file with each personal property tax return required to be 2816
filed, or annual report that is required to be filed under 2817
section 5727.08 of the Revised Code, while the agreement is in 2818
effect, an informational return, on a form prescribed by the tax 2819
commissioner for that purpose, setting forth separately the 2820
property, and related costs and values, exempted from taxation 2821
under the agreement. 2822

(J) Enterprises may agree to give preference to residents 2823
of the zone within which the agreement applies relative to 2824
residents of this state who do not reside in the zone when 2825
hiring new employees under the agreement. 2826

(K) An agreement entered into under this section may 2827
include a provision requiring the enterprise to create one or 2828
more temporary internship positions for students enrolled in a 2829
course of study at a school or other educational institution in 2830
the vicinity, and to create a scholarship or provide another 2831
form of educational financial assistance for students holding 2832
such a position in exchange for the student's commitment to work 2833
for the enterprise at the completion of the internship. 2834

(L) The tax commissioner's authority in determining the 2835
accuracy of any exemption granted by an agreement entered into 2836
under this section is limited to divisions (B) (1) (b) (i) and 2837
(ii), (B) (2), (C), and (I) of this section, division (B) (1) (b) 2838
(iv) of this section as it pertains to divisions (C) (2) (a), (b), 2839

and (c) of section 5709.62 of the Revised Code, and divisions 2840
(B) (1) to (10) of section 5709.631 of the Revised Code and, as 2841
authorized by law, to enforcing any modification to, or 2842
revocation of, that agreement by the board of county 2843
commissioners or the director of development services or, if the 2844
board's powers and duties are delegated under division (G) of 2845
this section, by the legislative authority of a municipal 2846
corporation or board of township trustees. 2847

Sec. 5709.632. (A) (1) The legislative authority of a 2848
municipal corporation defined by the United States office of 2849
management and budget as a principal city of a metropolitan 2850
statistical area may, in the manner set forth in section 5709.62 2851
of the Revised Code, designate one or more areas in the 2852
municipal corporation as a proposed enterprise zone. 2853

(2) With the consent of the legislative authority of each 2854
affected municipal corporation or of a board of township 2855
trustees, a board of county commissioners may, in the manner set 2856
forth in section 5709.62 of the Revised Code, designate one or 2857
more areas in one or more municipal corporations or in 2858
unincorporated areas of the county as proposed urban jobs and 2859
enterprise zones, except that a board of county commissioners 2860
may designate no more than one area within a township, or within 2861
adjacent townships, as a proposed urban jobs and enterprise 2862
zone. 2863

(3) The legislative authority or board of county 2864
commissioners may petition the director of development services 2865
for certification of the area as having the characteristics set 2866
forth in division (A) (3) of section 5709.61 of the Revised Code. 2867
Within sixty days after receiving such a petition, the director 2868
shall determine whether the area has the characteristics set 2869

forth in that division and forward the findings to the 2870
legislative authority or board of county commissioners. If the 2871
director certifies the area as having those characteristics and 2872
thereby certifies it as a zone, the legislative authority or 2873
board may enter into agreements with enterprises under division 2874
(B) of this section. Any enterprise wishing to enter into an 2875
agreement with a legislative authority or board of county 2876
commissioners under this section and satisfying one of the 2877
criteria described in divisions (B)(1) to (5) of this section 2878
shall submit a proposal to the legislative authority or board on 2879
the form prescribed under division (B) of section 5709.62 of the 2880
Revised Code and shall review and update the estimates and 2881
listings required by the form in the manner required under that 2882
division. The legislative authority or board may, on a separate 2883
form and at any time, require any additional information 2884
necessary to determine whether an enterprise is in compliance 2885
with an agreement and to collect the information required to be 2886
reported under section 5709.68 of the Revised Code. 2887

(B) Prior to entering into an agreement with an 2888
enterprise, the legislative authority or board of county 2889
commissioners shall determine whether the enterprise submitting 2890
the proposal is qualified by financial responsibility and 2891
business experience to create and preserve employment 2892
opportunities in the zone and to improve the economic climate of 2893
the municipal corporation or municipal corporations or the 2894
unincorporated areas in which the zone is located and to which 2895
the proposal applies, and whether the enterprise satisfies one 2896
of the following criteria: 2897

(1) The enterprise currently has no operations in this 2898
state and, subject to approval of the agreement, intends to 2899
establish operations in the zone; 2900

(2) The enterprise currently has operations in this state 2901
and, subject to approval of the agreement, intends to establish 2902
operations at a new location in the zone that would not result 2903
in a reduction in the number of employee positions at any of the 2904
enterprise's other locations in this state; 2905

(3) The enterprise, subject to approval of the agreement, 2906
intends to relocate operations, currently located in another 2907
state, to the zone; 2908

(4) The enterprise, subject to approval of the agreement, 2909
intends to expand operations at an existing site in the zone 2910
that the enterprise currently operates; 2911

(5) The enterprise, subject to approval of the agreement, 2912
intends to relocate operations, currently located in this state, 2913
to the zone, and the director of development services has issued 2914
a waiver for the enterprise under division (B) of section 2915
5709.633 of the Revised Code. 2916

(C) If the legislative authority or board determines that 2917
the enterprise is so qualified and satisfies one of the criteria 2918
described in divisions (B)(1) to (5) of this section, the 2919
legislative authority or board may, after complying with section 2920
5709.83 of the Revised Code and, in the case of a board of 2921
commissioners, with the consent of the legislative authority of 2922
each affected municipal corporation or of the board of township 2923
trustees, enter into an agreement with the enterprise under 2924
which the enterprise agrees to establish, expand, renovate, or 2925
occupy a facility in the zone and hire new employees, or 2926
preserve employment opportunities for existing employees, in 2927
return for the following incentives: 2928

(1) When the facility is located in a municipal 2929

corporation, a legislative authority or board of commissioners 2930
may enter into an agreement for one or more of the incentives 2931
provided in division (C) of section 5709.62 of the Revised Code, 2932
subject to division (D) of that section; 2933

(2) When the facility is located in an unincorporated 2934
area, a board of commissioners may enter into an agreement for 2935
one or more of the incentives provided in divisions (B) (1) (b), 2936
(B) (2), and (B) (3) of section 5709.63 of the Revised Code, 2937
subject to division (C) of that section. 2938

(D) All agreements entered into under this section shall 2939
be in the form prescribed under section 5709.631 of the Revised 2940
Code. After an agreement under this section is entered into, if 2941
the legislative authority or board of county commissioners 2942
revokes its designation of the zone, or if the director of 2943
development services revokes the zone's certification, any 2944
entitlements granted under the agreement shall continue for the 2945
number of years specified in the agreement. 2946

(E) Except as otherwise provided in this division, an 2947
agreement entered into under this section shall require that the 2948
enterprise pay an annual fee equal to the greater of one per 2949
cent of the dollar value of incentives offered under the 2950
agreement or five hundred dollars; provided, however, that if 2951
the value of the incentives exceeds two hundred fifty thousand 2952
dollars, the fee shall not exceed two thousand five hundred 2953
dollars. The fee shall be payable to the legislative authority 2954
or board of commissioners once per year for each year the 2955
agreement is effective on the days and in the form specified in 2956
the agreement. Fees paid shall be deposited in a special fund 2957
created for such purpose by the legislative authority or board 2958
and shall be used by the legislative authority or board 2959

exclusively for the purpose of complying with section 5709.68 of 2960
the Revised Code and by the tax incentive review council created 2961
under section 5709.85 of the Revised Code exclusively for the 2962
purposes of performing the duties prescribed under that section. 2963
The legislative authority or board may waive or reduce the 2964
amount of the fee charged against an enterprise, but such waiver 2965
or reduction does not affect the obligations of the legislative 2966
authority or board or the tax incentive review council to comply 2967
with section 5709.68 or 5709.85 of the Revised Code, 2968
respectively. 2969

(F) With the approval of the legislative authority of a 2970
municipal corporation or the board of township trustees of a 2971
township in which a zone is designated under division (A) (2) of 2972
this section, the board of county commissioners may delegate to 2973
that legislative authority or board any powers and duties of the 2974
board to negotiate and administer agreements with regard to that 2975
zone under this section. 2976

(G) When an agreement is entered into pursuant to this 2977
section, the legislative authority or board of commissioners 2978
authorizing the agreement shall forward a copy of the agreement 2979
to the director of development services and to the tax 2980
commissioner within fifteen days after the agreement is entered 2981
into. If any agreement includes terms not provided for in 2982
section 5709.631 of the Revised Code affecting the revenue of a 2983
city, local, ~~or~~ exempted village, or joint vocational school 2984
district or causing revenue to be forgone by the district, 2985
including any compensation to be paid to the school district 2986
pursuant to section 5709.82 of the Revised Code, those terms 2987
also shall be forwarded in writing to the director of 2988
development services along with the copy of the agreement 2989
forwarded under this division. 2990

(H) After an agreement is entered into, the enterprise 2991
shall file with each personal property tax return required to be 2992
filed while the agreement is in effect, an informational return, 2993
on a form prescribed by the tax commissioner for that purpose, 2994
setting forth separately the property, and related costs and 2995
values, exempted from taxation under the agreement. 2996

(I) An agreement entered into under this section may 2997
include a provision requiring the enterprise to create one or 2998
more temporary internship positions for students enrolled in a 2999
course of study at a school or other educational institution in 3000
the vicinity, and to create a scholarship or provide another 3001
form of educational financial assistance for students holding 3002
such a position in exchange for the student's commitment to work 3003
for the enterprise at the completion of the internship. 3004

Sec. 5709.82. (A) As used in this section: 3005

(1) "New employee" means both of the following: 3006

(a) Persons employed in the construction of real property 3007
exempted from taxation under the chapters or sections of the 3008
Revised Code enumerated in division (B) of this section; 3009

(b) Persons not described by division (A)(1)(a) of this 3010
section who are first employed at the site of such property and 3011
who within the two previous years have not been subject, prior 3012
to being employed at that site, to income taxation by the 3013
municipal corporation within whose territory the site is located 3014
on income derived from employment for the person's current 3015
employer. "New employee" does not include any person who 3016
replaces a person who is not a new employee under division (A) 3017
(1) of this section. 3018

(2) "Infrastructure costs" means costs incurred by a 3019

municipal corporation in a calendar year to acquire, construct, 3020
reconstruct, improve, plan, or equip real or tangible personal 3021
property that directly benefits or will directly benefit the 3022
exempted property. If the municipal corporation finances the 3023
acquisition, construction, reconstruction, improvement, 3024
planning, or equipping of real or tangible personal property 3025
that directly benefits the exempted property by issuing debt, 3026
"infrastructure costs" means the annual debt charges incurred by 3027
the municipal corporation from the issuance of such debt. Real 3028
or tangible personal property directly benefits exempted 3029
property only if the exempted property places or will place 3030
direct, additional demand on the real or tangible personal 3031
property for which such costs were or will be incurred. 3032

(3) "Taxing unit" has the same meaning as in division (H) 3033
of section 5705.01 of the Revised Code. 3034

(B) (1) Except as otherwise provided under division (C) of 3035
this section, the legislative authority of any political 3036
subdivision that has acted under the authority of Chapter 725. 3037
or 1728., sections 3735.65 to 3735.70, or section 5709.40, 3038
5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 3039
5709.84, or 5709.88 of the Revised Code to grant an exemption 3040
from taxation for real or tangible personal property may 3041
negotiate with the board of education of each city, local, 3042
exempted village, or joint vocational school district or other 3043
taxing unit within the territory of which the exempted property 3044
is located, and enter into an agreement whereby the school 3045
district or taxing unit is compensated for tax revenue foregone 3046
by the school district or taxing unit as a result of the 3047
exemption. Except as otherwise provided in division (B) (1) of 3048
this section, if a political subdivision enters into more than 3049
one agreement under this section with respect to a tax 3050

exemption, the political subdivision shall provide to each 3051
school district or taxing unit with which it contracts the same 3052
percentage of tax revenue foregone by the school district or 3053
taxing unit, which may be based on a good faith projection made 3054
at the time the exemption is granted. Such percentage shall be 3055
calculated on the basis of amounts paid by the political 3056
subdivision and any amounts paid by an owner under division (B) 3057
(2) of this section. A political subdivision may provide a 3058
school district or other taxing unit with a smaller percentage 3059
of foregone tax revenue than that provided to other school 3060
districts or taxing units only if the school district or taxing 3061
unit expressly consents in the agreement to receiving a smaller 3062
percentage. If a subdivision has acted under the authority of 3063
section 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 3064
5709.73, or 5709.78 of the Revised Code and enters into a 3065
compensation agreement with a city, local, or exempted village 3066
school district, the subdivision shall provide compensation to 3067
the joint vocational school district within the territory of 3068
which the exempted property is located at the same rate and 3069
under the same terms as received by the city, local, or exempted 3070
village school district. 3071

(2) An owner of property exempted from taxation under the 3072
authority described in division (B)(1) of this section may, by 3073
becoming a party to an agreement described in division (B)(1) of 3074
this section or by entering into a separate agreement with a 3075
school district or other taxing unit, agree to compensate the 3076
school district or taxing unit by paying cash or by providing 3077
property or services by gift, loan, or otherwise. If the owner's 3078
property is exempted under the authority of section 5709.40, 3079
5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 3080
5709.78 of the Revised Code and the owner enters into a 3081

compensation agreement with a city, local, or exempted village 3082
school district, the owner shall provide compensation to the 3083
joint vocational school district within the territory of which 3084
the owner's property is located at the same rate and under the 3085
same terms as received by the city, local, or exempted village 3086
school district. 3087

(C) This division does not apply to the following: 3088

(1) The legislative authority of a municipal corporation 3089
that has acted under the authority of division (H) of section 3090
715.70 or division (U) of section 715.72 of the Revised Code to 3091
consent to the granting of an exemption from taxation for real 3092
or tangible personal property in a joint economic development 3093
district. 3094

(2) The legislative authority of a municipal corporation 3095
that has specified in an ordinance adopted under section 3096
5709.40, 5709.41, or 5709.45 of the Revised Code that payments 3097
in lieu of taxes provided for under section 5709.42 or 5709.46 3098
of the Revised Code shall be paid to the city, local, or 3099
exempted village school district in which the improvements are 3100
located in the amount of taxes that would have been payable to 3101
the school district if the improvements had not been exempted 3102
from taxation, as directed in the ordinance. 3103

If the legislative authority of any municipal corporation 3104
has acted under the authority of Chapter 725. or 1728. or 3105
section 3735.671, 5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 3106
5709.632, or 5709.88, or a housing officer under section 3735.67 3107
of the Revised Code, to grant or consent to the granting of an 3108
exemption from taxation for real or tangible personal property 3109
on or after July 1, 1994, the municipal corporation imposes a 3110
tax on incomes, and the payroll of new employees resulting from 3111

the exercise of that authority equals or exceeds one million 3112
dollars in any tax year for which such property is exempted, the 3113
legislative authority and the board of education of each city, 3114
local, or exempted village school district within the territory 3115
of which the exempted property is located shall attempt to 3116
negotiate an agreement providing for compensation to the school 3117
district for all or a portion of the tax revenue the school 3118
district would have received had the property not been exempted 3119
from taxation. The agreement may include as a party the owner of 3120
the property exempted or to be exempted from taxation and may 3121
include provisions obligating the owner to compensate the school 3122
district by paying cash or providing property or services by 3123
gift, loan, or otherwise. Such an obligation is enforceable by 3124
the board of education of the school district pursuant to the 3125
terms of the agreement. 3126

If the legislative authority and board of education fail 3127
to negotiate an agreement that is mutually acceptable within six 3128
months of formal approval by the legislative authority of the 3129
instrument granting the exemption, the legislative authority 3130
shall compensate the school district in the amount and manner 3131
prescribed by division (D) of this section. 3132

(D) Annually, the legislative authority of a municipal 3133
corporation subject to this division shall pay to the city, 3134
local, or exempted village school district within the territory 3135
of which the exempted property is located an amount equal to 3136
fifty per cent of the difference between the amount of taxes 3137
levied and collected by the municipal corporation on the incomes 3138
of new employees in the calendar year ending on the day the 3139
payment is required to be made, and the amount of any 3140
infrastructure costs incurred in that calendar year. For 3141
purposes of such computation, the amount of infrastructure costs 3142

shall not exceed thirty-five per cent of the amount of those 3143
taxes unless the board of education of the school district, by 3144
resolution adopted by a majority of the board, approves an 3145
amount in excess of that percentage. If the amount of those 3146
taxes or infrastructure costs must be estimated at the time the 3147
payment is made, payments in subsequent years shall be adjusted 3148
to compensate for any departure of those estimates from the 3149
actual amount of those taxes. 3150

A municipal corporation required to make a payment under 3151
this section shall make the payment from its general fund or a 3152
special fund established for the purpose. The payment is payable 3153
on the thirty-first day of December of the tax year for or in 3154
which the exemption from taxation commences and on that day for 3155
each subsequent tax year property is exempted and the 3156
legislative authority and board fail to negotiate an acceptable 3157
agreement under division (C) of this section. 3158

Sec. 5709.83. (A) Except as otherwise provided in division 3159
(B) or (C) of this section, prior to taking formal action to 3160
adopt or enter into any instrument granting a tax exemption 3161
under section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 3162
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 3163
5709.88 of the Revised Code or formally approving an agreement 3164
under section 3735.671 of the Revised Code, or prior to 3165
forwarding an application for a tax exemption for residential 3166
property under section 3735.67 of the Revised Code to the county 3167
auditor, the legislative authority of the political subdivision 3168
or housing officer shall notify the board of education of each 3169
city, local, exempted village, or joint vocational school 3170
district in which the proposed tax-exempted property is located. 3171
The notice shall include a copy of the instrument or 3172
application. The notice shall be delivered not later than 3173

fourteen days prior to the day the legislative authority takes 3174
formal action to adopt or enter into the instrument, or not 3175
later than fourteen days prior to the day the housing officer 3176
forwards the application to the county auditor. If the board of 3177
education comments on the instrument or application to the 3178
legislative authority or housing officer, the legislative 3179
authority or housing officer shall consider the comments. If the 3180
board of education of the city, local, exempted village, or 3181
joint vocational school district so requests, the legislative 3182
authority or the housing officer shall meet in person with a 3183
representative designated by the board of education to discuss 3184
the terms of the instrument or application. 3185

(B) The notice otherwise required to be provided to boards 3186
of education under division (A) of this section is not required 3187
if the board has adopted a resolution waiving its right to 3188
receive such notices, and that resolution remains in effect. If 3189
a board of education adopts such a resolution, the board shall 3190
cause a copy of the resolution to be certified to the 3191
legislative authority. If the board of education rescinds such a 3192
resolution, it shall certify notice of the rescission to the 3193
legislative authority. A board of education may adopt such a 3194
resolution with respect to any one or more counties, townships, 3195
or municipal corporations situated in whole or in part within 3196
the school district. 3197

(C) If a legislative authority is required to provide 3198
notice to a city, local, or exempted village school district of 3199
its intent to grant such an exemption as required by section 3200
5709.40, 5709.41, 5709.45, 5709.62, 5709.63, 5709.632, 5709.73, 3201
or 5709.78 of the Revised Code, the legislative authority, 3202
before adopting a resolution or ordinance under that section, 3203
shall notify the board of education of each joint vocational 3204

school district in which the property to be exempted is located 3205
using the same time requirements for the notice that applies to 3206
notices to city, local, and exempted village school districts. 3207
The content of the notice and procedures for responding to the 3208
notice are the same as required in division (A) of this section. 3209

Sec. 6301.23. (A) As used in this section: 3210

(1) "Ohio career-technical associations" includes all of 3211
the following: 3212

(a) The Ohio association of career and technical 3213
education; 3214

(b) The Ohio association of career-technical 3215
superintendents; 3216

(c) The Ohio association of comprehensive and compact 3217
career-technical schools. 3218

(2) "Other public school" has the same meaning as in 3219
section 3301.0711 of the Revised Code. 3220

(3) "State agency" has the same meaning as in section 1.60 3221
of the Revised Code. 3222

(B) Not later than July 1, 2020, the governor's office of 3223
workforce transformation, the department of education, and the 3224
chancellor of higher education, in consultation with Ohio 3225
career-technical associations and other appropriate 3226
stakeholders, shall develop model guidance for maintaining a 3227
statewide inventory of industry-recognized credentials. The 3228
guidance shall address the following: 3229

(1) Methods for state agencies to efficiently and 3230
effectively organize the different categories of industry- 3231
recognized credentials in a manner that allows students, school 3232

districts, other public schools, chartered nonpublic schools, 3233
and institutions of higher education to easily understand 3234
available credentialing options, based on the unique 3235
circumstances of each individual student; 3236

(2) The potential creation of a centralized, inter-agency 3237
database of information on all industry-recognized credentials 3238
that is accessible to the public; 3239

(3) Methods to streamline the process to add career- 3240
technical programs to the various approved credentialing lists; 3241

(4) Methods to increase transparency in the approval 3242
process for industry-recognized credentials. 3243

Section 2. That existing sections 3302.036, 3302.17, 3244
3310.01, 3310.03, 3310.031, 3310.032, 3310.08, 3310.16, 3313.14, 3245
3313.25, 3313.482, 3313.82, 3313.903, 3314.011, 3314.03, 3246
3314.19, 3317.60, 3319.112, 3319.226, 3319.301, 3326.032, 3247
3326.17, 5709.62, 5709.63, 5709.632, 5709.82, and 5709.83 of the 3248
Revised Code are hereby repealed. 3249

Section 3. That sections 3302.042, 3302.101, 3302.102, 3250
3302.12, 3310.035, 3310.05, and 3311.242 of the Revised Code are 3251
hereby repealed. 3252

Section 4. The repeal of section 3311.242 of the Revised 3253
Code in Section 3 of this act shall take effect on September 1, 3254
2020. 3255

Section 5. If a school district has begun the transfer 3256
process in accordance with division (B) of section 3311.242 of 3257
the Revised Code prior to the repeal of that section by this 3258
act, the transfer process shall continue in accordance with the 3259
provisions of that section as it existed prior to its repeal. 3260
School districts shall not, however, be permitted to take action 3261

under that section if they have not begun the transfer process 3262
prior to the section's repeal by this act. 3263

Section 6. That Section 265.260 of H.B. 166 of the 133rd 3264
General Assembly be amended to read as follows: 3265

Sec. 265.260. ~~EDCHOICE EXPANSION~~ BUCKEYE OPPORTUNITY 3266
SCHOLARSHIPS 3267

The foregoing appropriation item 200573, ~~EdChoice-~~ 3268
~~Expansion~~Buckeye Opportunity Scholarships, shall be used to 3269
provide for the scholarships awarded under ~~the expansion of the-~~ 3270
~~educational choice program established under~~ section 3310.032 of 3271
the Revised Code. The number of scholarships awarded ~~under the-~~ 3272
~~expansion of the educational choice program~~ shall not exceed the 3273
number that can be funded with the appropriations made by the 3274
General Assembly for this purpose. 3275

HALF-MILL MAINTENANCE EQUALIZATION 3276

The foregoing appropriation item 200574, Half-Mill 3277
Maintenance Equalization, shall be used to make payments 3278
pursuant to section 3318.18 of the Revised Code. 3279

ADAPTIVE SPORTS PROGRAM 3280

The foregoing appropriation item 200576, Adaptive Sports 3281
Program, shall be used by the Department of Education, in 3282
collaboration with the Adaptive Sports Program of Ohio, to fund 3283
adaptive sports programs in school districts across the state. 3284

PROGRAM AND PROJECT SUPPORT 3285

Of the foregoing appropriation item 200597, Program and 3286
Project Support, \$500,000 in fiscal year 2020 shall be 3287
distributed to Tri-State Early College STEM School to provide 3288
additional support for facility renovations and operations, 3289

including professional development, educational materials, 3290
equipment, marketing, and recruitment. 3291

Of the foregoing appropriation item 200597, Program and 3292
Project Support, \$500,000 in each fiscal year shall be 3293
distributed to Ohio Adolescent Health Centers to support risk 3294
avoidance education. 3295

Of the foregoing appropriation item 200597, Program and 3296
Project Support, \$125,000 in each fiscal year shall be used to 3297
support Ruling Our eXperiences (ROX) programming in schools. 3298

Section 7. That existing Section 265.260 of H.B. 166 of 3299
the 133rd General Assembly is hereby repealed. 3300

Section 8. That Section 265.10 of H.B. 166 of the 133rd 3301
General Assembly (as amended by S.B. 120 of the 133rd General 3302
Assembly) be amended to read as follows: 3303

Sec. 265.10. 3304

3305

1 2 3 4 5

A EDU DEPARTMENT OF EDUCATION

B General Revenue Fund

C GRF 200321 Operating \$ 15,153,032 \$ 16,565,951
Expenses

D GRF 200408 Early Childhood \$ 68,116,789 \$ 68,116,789
Education

E GRF 200420 Information \$ 4,004,299 \$ 4,026,960

			Technology Development and Support				
F	GRF	200422	School Management Assistance	\$	2,385,580	\$	2,408,711
G	GRF	200424	Policy Analysis	\$	458,232	\$	457,676
H	GRF	200426	Ohio Educational Computer Network	\$	15,457,000	\$	15,457,000
I	GRF	200427	Academic Standards	\$	4,434,215	\$	4,483,525
J	GRF	200437	Student Assessment	\$	56,906,893	\$	56,948,365
K	GRF	200439	Accountability/ Report Cards	\$	7,517,406	\$	7,565,320
L	GRF	200442	Child Care Licensing	\$	2,156,322	\$	2,227,153
M	GRF	200446	Education Management Information System	\$	8,112,987	\$	8,174,415
N	GRF	200448	Educator	\$	11,785,384	\$	7,285,384

		Preparation			
O	GRF	200455	Community Schools and Choice Programs	\$ 4,867,763	\$ 4,912,546
P	GRF	200465	Education Technology Resources	\$ 5,179,664	\$ 5,179,664
Q	GRF	200478	Industry- Recognized Credentials High School Students	\$ 25,000,000	\$ 25,000,000
R	GRF	200502	Pupil Transportation	\$ 527,129,809	\$ 527,129,809
S	GRF	200505	School Lunch Match	\$ 8,963,500	\$ 8,963,500
T	GRF	200511	Auxiliary Services	\$ 154,939,134	\$ 154,939,134
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$ 69,997,735	\$ 69,997,735
V	GRF	200540	Special Education Enhancements	\$ 152,600,000	\$ 152,850,000

W	GRF	200545	Career- Technical Education Enhancements	\$	9,750,892	\$	9,750,892
X	GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,774,618,845
Y	GRF	200566	Literacy Improvement	\$	1,452,876	\$	1,452,172
Z	GRF	200572	Adult Education Programs	\$	10,207,674	\$	10,207,674
AA	GRF	200573	EdChoice- Expansion- <u>Buckeye</u> <u>Opportunity</u> <u>Scholarships</u>	\$	57,223,340	\$	121,017,418
AB	GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526
AC	GRF	200576	Adaptive Sports Program	\$	250,000	\$	250,000
AD	GRF	200597	Program and Project Support	\$	1,125,000	\$	625,000
AE	GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978

AF TOTAL GRF General Revenue Fund	\$	8,187,203,556	\$	8,079,038,142
AG Dedicated Purpose Fund Group				
AH 4520 200638 Charges and Reimbursements	\$	1,000,000	\$	1,000,000
AI 4550 200608 Commodity Foods	\$	1,000,000	\$	1,000,000
AJ 4L20 200681 Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000
AK 5980 200659 Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
AL 5H30 200687 School District Solvency Assistance	\$	2,000,000	\$	2,000,000
AM 5KX0 200691 Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000
AN 5MM0 200677 Child Nutrition Refunds	\$	550,000	\$	550,000
AO 5U20 200685 National Education Statistics	\$	170,675	\$	175,000
AP 5VS0 200604 Student	\$	275,000,000	\$	400,000,000

		Wellness and Success				
AQ	5VU0	200663	School Bus Purchase	\$	0	\$ 20,000,000
AR	6200	200615	Educational Improvement Grants	\$	594,443	\$ 600,000
AS	TOTAL	DPF	Dedicated Purpose Fund Group	\$	296,660,945	\$ 441,875,000
AT	Internal Service Activity Fund Group					
AU	1380	200606	Information Technology Development and Support	\$	7,939,104	\$ 8,047,645
AV	4R70	200695	Indirect Operational Support	\$	7,856,766	\$ 7,856,766
AW	4V70	200633	Interagency Program Support	\$	5,497,938	\$ 5,500,000
AX	TOTAL	ISA	Internal Service Activity Fund Group	\$	21,293,808	\$ 21,404,411
AY	State Lottery Fund Group					
AZ	7017	200602	School Climate Grants	\$	2,000,000	\$ 2,000,000

BA 7017 200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000
BB 7017 200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000
BC 7017 200631	Quality Community Schools Support	\$	30,000,000	\$	30,000,000
BD 7017 200636	Enrollment Growth Supplement	\$	15,500,000	\$	23,000,000
BE 7017 200684	Community School Facilities	\$	20,600,000	\$	20,600,000
BF TOTAL SLF	State Lottery Fund Group	\$	1,151,000,000	\$	1,327,000,000
BG	Federal Fund Group				
BH 3670 200607	School Food Services	\$	11,469,730	\$	11,897,473
BI 3700 200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000
BJ 3AF0 657601	Schools Medicaid Administrative	\$	295,500	\$	295,500

		Claims				
BK 3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000
BL 3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000
BM 3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
BN 3EJ0	200622	Homeless Children Education	\$	3,295,203	\$	3,300,000
BO 3FE0	200669	Striving Readers	\$	12,507,905	\$	12,511,000
BP 3GE0	200674	Summer Food Service Program	\$	15,599,467	\$	16,342,299
BQ 3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$	5,145,074
BR 3HF0	200649	Federal Education Grants	\$	7,049,677	\$	7,056,327
BS 3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$	40,042,720

BT 3L60	200617	Federal School Lunch	\$	418,643,500	\$	430,837,000
BU 3L70	200618	Federal School Breakfast	\$	158,726,966	\$	163,350,081
BV 3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$	113,328,580
BW 3L90	200621	Career- Technical Education Basic Grant	\$	45,946,927	\$	46,000,000
BX 3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
BY 3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000
BZ 3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000
CA 3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000
CB 3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000
CC 3Y70	200689	English	\$	10,500,000	\$	10,500,000

		Language Acquisition				
CD 3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000
CE 3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000
CF 3Z30	200645	Consolidated Federal Grant Administration	\$	10,701,635	\$	10,900,000
CG TOTAL FED	Federal Fund Group		\$	2,093,937,196	\$	2,115,861,054
CH TOTAL ALL BUDGET FUND GROUPS			\$	11,750,095,505	\$	11,985,178,607

Section 9. That existing Section 265.10 of H.B. 166 of the 133rd General Assembly (as amended by S.B. 120 of the 133rd General Assembly) is hereby repealed. 3306
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Section 10. That Section 265.520 of H.B. 166 of the 133rd General Assembly is hereby repealed. 3309
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Section 11. The amendment by this act of sections 5709.62, 5709.63, 5709.632, 5709.82, and 5709.83 of the Revised Code applies to agreements entered into under sections 5709.62, 5709.63, and 5709.632 of the Revised Code on or after the effective date of this act. 3311
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Section 12. (A) There is hereby established the State Educational Assessments Study Committee. 3316
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(B) The Committee shall consist of the following members:	3318
(1) Five members of the House of Representatives, three of which shall be from the majority party and two of which shall be from the minority party;	3319 3320 3321
(2) Five members of the Senate, three of which shall be from the majority party and two of which shall be from the minority party.	3322 3323 3324
(C) Not later than October 1, 2020, the Committee shall submit a report of its findings to the General Assembly in accordance with section 101.68 of the Revised Code. The report shall include, but not be limited to, all of the following:	3325 3326 3327 3328
(1) Federal requirements regarding testing;	3329
(2) State requirements regarding testing;	3330
(3) End-of-course examination and assessment score ranges as described under sections 3301.0710 and 3301.0712 of the Revised Code;	3331 3332 3333
(4) Performance measures used to determine letter grades on the state report card under section 3302.03 of the Revised Code;	3334 3335 3336
(5) Any potential waivers from federal testing requirements that the state may seek.	3337 3338
Upon completion of the report, the Committee shall be dissolved.	3339 3340
Section 13. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections,	3341 3342 3343 3344

presented in this act as composites of the sections as amended 3345
by the acts indicated, are the resulting versions of the 3346
sections in effect prior to the effective date of the sections 3347
as presented in this act: 3348

Section 3313.25 of the Revised Code as amended by both 3349
H.B. 291 and H.B. 491 of the 132nd General Assembly. 3350

Section 3302.036 of the Revised Code as amended by both 3351
H.B. 64 and H.B. 70 of the 131st General Assembly. 3352

Section 5709.82 of the Revised Code as amended by both 3353
H.B. 182 and H.B. 233 of the 131st General Assembly. 3354

Section 14. Sections 3302.036, 3302.17, 3310.01, 3310.03, 3355
3310.031, 3310.032, 3310.08, and 3310.16 of the Revised Code as 3356
amended by this act, new sections 3302.101 and 3302.102 and 3357
sections 3301.28, 3301.29, and 3302.103 as enacted by this act 3358
sections 3302.042, 3302.101, 3302.102, 3302.12, 3310.035 and 3359
3310.05 of the Revised Code as repealed by this act, Section 3360
265.520 of H.B. 166 of the 133rd General Assembly as repealed in 3361
Section 10 of this act, and Section 11 of this act are hereby 3362
declared to be an emergency measure necessary for the immediate 3363
preservation of the public peace, health, and safety. The reason 3364
for such necessity is to ensure that the changes regarding 3365
scholarship eligibility and operation made by the act go into 3366
effect for the next school year and that the establishment of 3367
the State Educational Assessments Study Committee and the 3368
revisions to the methods of interventions for low-performing 3369
school districts and schools are effective in a timely manner. 3370
Therefore, those sections shall go into immediate effect. 3371